[BROWN(W)]

A

Compendious and Accurate

TREATISE

OF

FINES

Upon Writs of Covenant;

AND

RECOVERIES

Upon Writs of Entry in the Poſt.

With ample and copious Inſtructions how to draw, acknowledge and levy the ſame in all Caſes. Being a Work performed with great Exactneſs, and full of Variety of Clerkſhip.

The Third Edition; Wherein the former are reviewed, corrected and inlarged.

With an Addition of ſeveral Preſidents, and many Obſervations, Rules and Caſes concerning the Effect and Operation of Fines and Recoveries.

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TREATISE
OF
FINES
AND
RECOVERIES

To the Right Honourable

Sir *Francis North*, Kt, Lord Chief Justice of His Majesties Court of *Common Pleas* at *Westminster*.

My LORD,

THE *ensuing* Precedents *being wholly applicable to the Practice of that Court, wherein your Lordship most deservedly holds the Place of Chief Justice; and the former part of them consisting in* Fines *only peculiar to your Lordships high and eminent Office, No Person whatsoever, except your Lordship (as Chief Justice of the* Common Pleas) *having power, without the Kings Writ, to take their Cognizance out of Court; I humbly conceive it most agreeable (in respect of my Duty, and the Nature of the Subject) to submit them to your Lordships* Patronage *and* Protection.

But, my Lord, In regard there be many Precedents *of* Fines *and* Recoveries *already in Print, lest I should be taxed of Plagiarism in transcribing such as have been formerly published, I humbly beg leave to put your Lordship in mind, That what is here offered to your Lordship and the World, was by your Lordships signal Favour and Condescention to me first Licenc'd in Manuscript; a Favour so Transcendent, That only your Lordships bare Remembrance of it, is sufficiently able to silence Detraction, and satisfie the World, That the* Precedents *in this* Compendious, *though Minute* Treatise, *are not borrowed from any thing already in Print.*

Nay,

Nay, my Lord, on the contrary it would be an Enterprise of no great difficulty to evince the World by plain Demonstration, That these Precedents (*besides the Esteem they must necessarily acquire by the Approbation of your Lordship, and the other Honourable* Judges *of the Court*) *have moreover abundantly the Advantage of all those of this kind that hitherto have pass'd the Press, in respect of the exactness of their Forms, Succinctness of their Method, and Copiousness of the Instructions relating to their Use and Qualifications, I question not but your Lordship* (*and all Judicious Men*) *will allow to be requisite to a Book of this Nature: And which I do assure, your Lordship, are hardly to be found in the so much quoted* Wells Symboleographia, *and not in the* Compleat Clerk, *though otherwise it be a Collection of Excellent Use and Benefit.*

And this Character your Lordship well knows to be agreeable with the Sentiments I had of the Manuscript when it was first offered to your Lordship for Licence; But if the Zeal I have for its Worth (*out of respect to those* Great Masters *of* Clerkship, *who gave Formation to the Original*) *hath led me to Expressions unsuitable to the* Quality *and* Grandeur *of so Honourable a Person as your Lordship, I humbly beg your Lordships Pardon for it; and that your Lordship will believe that I have no other Presumption in this* Address, *than to be esteemed,*

My Lord,

Your Lordships most Humble,

and most Devoted Servant,

William Brown.

The

The Introduction *to, and* Definition *of a* FINE.

A Fine is of great Antiquity, yet considered as a Common Assurance, is but *Fictio Juris*, though anciently it was the Composure of a real Controversie, and the end of a Suit indeed; for after the Parties had contended by Suit in Law about the thing in question, many times they agreed at last, who should have it, and so a Fine was levied of it, and by this there was an end of the Matter. Some have writ, That there neither is nor can be provided by the Laws of the Land, any greater or more noble Security, by which any Person may make his Estate more secure, or produce a more solemn Testimony for the confirmation of his Estate, than a Fine levyed in the Kings Court upon Record; yet it must be allowed, that in some respects a Common Recovery exceeds it, for a Fine will bar the Heir in Tail, but not him in Remainder or Reversion, but a Recovery bars them all: It is called a Fine, *quia Finem litibus imponit, & est exceptio peremptoria*; or it is called *Finalis Concordia, Quia Finem ponit negotio, adeo ut neutra pars litigantium ab eo de cætero possit recedere. Glanv. li. 8. cap. 1, 2, 3.*

As it is now become a Common Assurance, this definition may be given of it, *viz.* That it is an Instrument on Record, of an agreement concerning Lands, Tenements or Hereditaments

The Definition of Fines.

Co. Inst. 2 part, 511, 514. Co. Lit. 120, 121. Plow. 265, 357, 358. Dyer 368.

A Fine may be accounted the noblest Assurance, because it is said to be *de dono* or *concessit*, whereas a Recovery seems to be by Judicial Proceſs. 1 *Co.* 22. 62

They that have a Right of Reversion or Remainder expectant upon an Estate Tail, or for Life, shall have five years after their Title comes unto them to make their Claim. *Co. Inst. 2 p. 518.*

Note, that these Fines have much of their growth and effect from the Statutes 4 *H.* 7. 24. & 32 *H.* 8. 36. of which and the reason, see more in the Introduction to Common Recoveries.

ditaments duly made by the Kings Licence, or by the Licence of his Justices, and acknowledged by the Parties to the same upon a Writ of Covenant, (or some such like Writ) before the Justices of the Common Pleas, or others thereunto authorized, and ingrossed of Record in the same Court, to end all Controversies thereof, both between themselves which be Parties and Privies to the same, and all others Strangers not suing or claiming in due time.

A Fine may be levied upon a Writ of Right, or *warranto charta*, &c.

It doth countervail a Feoffment with Livery and Seisin, and doth include all that is in a Feoffment, but is of greater Efficacy, and therefore is called a Feoffment upon Record.

By this a Man may convey his Land to another in Fee-simple, Fee-tail, for Life or for Years, and that with a Reservation of Rent also.

Parties to the Fine.

Note, He by whom the Fine is acknowledged is called the Cognizor, and he to whom it is acknowledged is called the Cognizee.

Of the several kinds of Fines.

Division of Fines.

SOme distinguish Fines to be either single or double.

Single Fine.

The single Fine is that by which an Estate is granted by the Cognizor to the Cognizee, and nothing is thereby rendred back again by the Cognizee to the Cognizor.

Double Fine.

The double Fine is that which doth contain a Grant or Render back again from the Cognizee to the Cognizor, as of the Land it self,

ſelf, or of ſome Rent Common, or other Thing out of it: many times limiting Remainders to Strangers not named in the Writ of Covenant, and ſometimes with Reſervation of Rent, Clauſe of Diſtreſs, and Grant of the ſame over.

Others divide theſe Fines into four kinds; As

1. *A Fine ſur Cognizance de Droit come ceo*, &c.
2. *A Fine ſur Done, Grant & Render.*
3. *A Fine ſur Cognizance de Droit tantum.*
4. *A Fine ſur Conceſſit.*

Fine ſur conceſſit *what.*

A Fine ſur Conceſſit, is ſuch a Fine as where the Cognizor is ſeiſed of the Lands contained therein, and the Cognizee hath no Freehold therein, but it paſſeth by the Fine; This Fine is ſaid to be Executory, ſo that the Cognizee or Cognizees therein muſt enter, or have a Writ of *Habere facias ſeiſinam*, according to their ſeveral Caſes for the obtaining of the poſſeſſion, if the Parties to whom the Eſtate is limited at the time of levying ſuch Fine be not in poſſeſſion of the thing granted: But if they be in poſſeſſion at ſuch time, there needs not any ſuch Writ, or any Execution of the ſaid Fine to put them in poſſeſſion, for then the Fine will enure by way of Extinguiſhment of Right, and doth not alter the Eſtate or Right of the Cognizee, however perchance it may better it.

See after for the Preſidents. It begins thus.

Et eſt Concordia talis ſcilicet qd' præd. A. *conceſſit & reddidit Tenementa præd' cum pertin' præfat'* B. *& hæredibus ſuis duran' vita ipſius* A. *Et præd'* A. *Warran' Tenementa præd' cum pertin' præfat'* B. *& hæred' ſuis durante vita ipſius* A. Or thus,

Et eſt Concordia talis quod præd' A. *conceſſit præd'* B. *Tenementa præd'* &c. *habend' eid'* B. *pro termino vitæ ſuæ*, &c. or to the like effect: See another form after.

Fine ſur Cognizance de Droit tantum, *what.* It is ſo called for that the words *Come cto que il ad de ſon done*, or rather *ut ill' quæ idem* (the Cognizee) *habet de dono*, of the Cognizor are left out

* If the Cognizee hath the Freehold of the Land, it is then called a *Fine ſur Releaſe*, needs no ſeiſin upon it, if the Party be in poſſeſſion, as before obſerved.

A Fine ſur Cognizance de Droit tantum, is alſo ſaid to be * Executory, and much of the nature of a *Fine ſur Conceſſit*; it is uſed commonly to paſs a Reverſion, and then it is expreſſed by ſuch Fine, that the particular Eſtate is in another, and that the Cognizor willeth, that the Cognizee ſhall have the Reverſion, or that the Land ſhall remain to him after the particular Eſtate ſpent.

And ſometimes it is uſed by Tenant for Life to make a Releaſe (in the nature of a Surrender) to him in Reverſion, but not by the word Surrender; for it is ſaid a particular Tenant, as for Life, cannot ſurrender his Term to him in Reverſion or Remainder by Fine, but he may grant and releaſe to him by Fine, 44 *E.* 3. 36. 3 *Co.* 86. *Dyer* 216. *Plow.* 268.

See after for the Preſidents.

Note, A Fine upon a Releaſe may not enure to an uſe, *Co. Inſt.* 3. 36.

Fine ſur done, grant & render *what.*

A Fine ſur Done, Grant & Render, is that which is called a double Fine, as is before obſerved

ſerved, being in a manner two Fines, (that is to ſay,) A *Fine ſur Cognizance de Droit come ceo*, and a *Fine ſur Conceſſit*, both formed into one, whereby the Cognizee after a Releaſe and Warranty made to him by the Cognizor of the Lands contained therein, doth grant and render back to the Cognizor the Lands, *&c.* or ſome part thereof, and many times limiting thereby Remainders to Perſons that are Strangers, and not named in the Writ of Covenant: This Fine is partly executed, partly executory, and as to the firſt part of it, is altogether of the ſame nature with *a Fine ſur Cognizance de Droit come ceo*; but as to the ſecond part containing a Grant and Render back (as aforeſaid) it is taken in Law to be rather a private Conveyance or Charter between Party and Party, and not as a Writ of Judgment upon Record.

See the Preſident after.

This Render is ſometimes of the whole Fee, and ſometimes of a particular Eſtate with Remainder or Remainders over, or the Reverſion; and ſometimes with Reſervations of Rents with Diſtreſs, and ſometimes with a Grant thereof over by the ſame Fine.

Note, A Render muſt be made upon a *come ceo ſur Releaſe*, or other Fine executed.

If the Party be in poſſeſſion, it may be ſaid to be executed, and need no Writ of Seiſin otherwiſe it is executory. 5 *Co.* 38.

Note, The Render of a Fine cannot be without writing to any other uſe. *Mo. Rep.* 679.

A *Fine ſur Cognizance de Droit come ceo que il ad de ſon done*, ſingle, is the principal, beſt and ſureſt kind of Fine, it is ſaid to be executed, becauſe it doth of its own force give preſent poſſeſſion (at leaſt in Law) to the

A Fine ſur Cognizance de Droit come ē, &c. *what.*

Cognizee, ſo that he needeth no Writ of *Habere facias ſeiſinam*, or other means for the execution thereof, for it doth admit the poſſeſſion of the Lands of which the Fine is levied to paſs by the Fine, ſo that the Cognizee may enter, for that the Eſtate is thereby (in Law) in the Cognizee: That is to ſay, To ſuch uſes as are declared in the Deed to lead the uſe thereof; for this is a general Maxim, That unleſs it be declared by Deed, or otherwiſe, to what uſe the Fine was levied, ſuch Fine ſhall be and enure to the uſe of the Cognizor that levied the ſame. This Fine is levied with Proclamations, according to the form of the Statute, 4 *H.* 7. *ch.* 24.

This is a Feoffment upon Record, and doth imply in it the Livery and Seiſin.

Pract. Regiſt. 148.

Bendl. Rep. 134.

See the Preſident of this after.

Alſo a Fine is either with Proclamations or without Proclamations, and executed or executory. That without Proclamations, is termed a Fine at the Common Law, and is levied in ſuch manner as was uſed before, 4 *H.* 7. 24. which ſtill remains of ſuch force as they were at the Common Law, to diſcontinue the Eſtate of the Cognizors if they be executed.

Dyer 216. *p.* 54. *Plow.* 265. *b.*

Proclamations. That with Proclamations, is term'd a Fine according to the Statute, 1 *R.* 3. 7. 4 *H.* 7. 24. And ſuch a Fine is every Fine (that is pleaded) intended to be, if it be not ſhewed what Fine it is. And theſe Fines with Proclamations are the beſt ſort, and moſt uſed, and it is ſaid to be in the Election of the Cognizee to have it with or without Proclamations, and if there be Error in the Proclamations, yet the Fine ſhall be taken as a good Fine at Common Law without

32 *H.* 8. 36.
31 *El. ca.* 2.

3 *Cro.* 692. Election.

without Proclamations, *Jenk. Cent.* 6. *Case* 53. 2 *Co. Inst.* 519.

A Fine also with or without Proclamations is either executed or executory: Executed, is such a Fine as of its own force gives present Possession, as a *Fine sur Cognizance de Droit come ceo*: and in some respects a *Fine sur Release*, Confirmation or Surrender is said to be executed. Executed or Executory.

Executory does not execute a Possession without Entry or Action, as a *Fine sur Cognizance de Droit tantum*, when the Cognizee hath no Freehold, *&c. Sur Concessit, sur Done, Grant & Render*, and requires a Writ of Seisin, unless the Party be in possession of the Lands, as before observed.

And note, That almost any kind of Contract may be made and expressed by a Fine, as it may by a Deed in the Country; and therefore it may be so made, That one of the Parties shall have the Land, and the other a Rent out of it, and that one shall have for one time, and another for another time; by a Fine also a Lease for Years, or a Joynture for a Wife may be made; and by a Fine a Gift in Tail, and a Remainder over may be limited and created, 1 *Co.* 76.

Also an Heriot may be reserved with Clause of Distress.

Of the Parts of a Fine.

A Fine is said to be made up of five Parts.

1. The Original Writ against the Cognizor.
2. The Composition or Kings Licence to alienate.
3. The Concord.
4. The Note of the Fine.
5. The Foot of the Fine: And to this may be added a sixth part, if the Fine be to be levied with Proclamations.

1. Writ of Covenant.

As to the first. The Writ of Covenant is the usual Writ Original taken out by the Cognizee or Cognizees, against the Cognizor or Cognizors to the Fine, for without an Original a Fine cannot be levied; yet a Fine may be levied upon any Writ of Right, or other Writ whereby Land is demanded, or may be recovered. It begins thus,

Midd'. *Præcipe* A. B. *qd' juste*, &c. *teneat* & D. *Conventionem*, &c.

2. Kings Licence and Silver.

The Composition or Kings Licence to alien the Land, for which the King hath a Fine or Sum of Mony, which is called the Kings Sliver.

3. The Concord.

The Concord or Agreement between the Parties that intend the levying the Fine, wherein

in is declared how, and in what manner the Things contained in the Writ ſhall paſs; and as the Writ of Covenant is the Foundation, ſo this is the ſubſtance of the Fine.

And note, That if the Kings Silver be entred, and endorſed upon the Writ of Covenant by the Clerk for that purpoſe, although the Cognizor die before the Fine come to the Chirographer, yet is the Fine good for the other two parts, *viz.* The Note, and the Foot of the Fine are but Abſtracts taken out of this. It begins thus, *viz.*

Et eſt Concordia talis ſcilicet qd' præd' A. recogn' Tenementa præd' cum pertin' eſſe jus ipſius B. *&c.*

4. The Note of the Fine.

The Note or Abſtract is taken out of the Writ of Covenant and Concord by the Chirographer before it be engroſſed. It begins thus, *Int'* A. B. *Quer' &* C. D. *deforcientem*, &c.

5. The Foot of the Fine.

The Foot of the Fine includeth the whole Fine; The Parties to the ſame, the Thing granted, the day, year and place, and before whom the Concord was made; and this is called the Foot, becauſe it is the laſt part of the Fine; and when this is done, the Fine is engroſſed of Record, and the Indentures made by the Chirographer, and delivered for the Party to whom the Cognizance is made, and then is the Fine ſaid to be ingroſſed. 5 *Co.* 38, 43. *Co.* 2. *Inſt.* 514.

Next we muſt conſider the Proclamations made upon the Fine, which although they be not the eſſential Parts of the Fine, yet upon every

Poph. 63. Moor Rep. 359. every Fine made according to the Statute they muſt be made, and being made, they do make a bar according to what doth paſs.

Proclamations. Theſe Proclamations were appointed firſt by the Statute 1 *R.* 3. 7. (though afore that time by the Statute *de Finibus levatis*, Fines were openly to be read at two certain days in the week by the diſcretion of the Juſtices,) and by this Statute of *Richard* the Third, Fines at the Common Law have the ſame force they had before, and might be levied according to that Statute, or the Common Law, at the election of the Parties.

See the Statute

The Proclamations were to be made four ſeveral days in each Term, during four ſucceeding Terms, by the Statute 1 *R.* 3. 7. 4 *H.* 7. 24. 32 *H.* 8. 36. But by the Statute 31 *El.* 2. Fines in the Common Pleas ſhall be proclaimed four times only, *viz.* Once in the Term wherein the Fine is ingroſſed, and once in each of the three Terms then next following.

See the Statute

If any Proclamation be made upon a Sunday, it is Error, becauſe it is not *dies Juridicus*, *Dyer* 128.

Who may be Cognizors.

HAving conſidered a Fine in all its Parts; We come next to obſerve who may be Cognizors and Cognizees in Fines, and by what Names.

Such

Such Persons, either Male or Female, or Bodies Sole or Corporate, that may lawfully grant by Deed, may be Cognizors in Fines. All Persons that may lawfully grant by Deed, may be Cognizors.

But yet there ought to be great care taken, that many of them (who may) be not admitted to levy Fines; as an Infant, a Woman Covert, an Ideot or Lunatick, one that is Blind, Deaf and Dumb, one that is doting in old Age, or wants Discretion, or one that is much in Drink, or compelled by Duress or Imprisonment; it is left therefore to the discretion of the Judges or Commissioners whom to admit, for though many of these have the liberty of exception against such a Fine, yet it may happen not to be in their power to avoid it, *Fieri non debet, sed factum valet*, of which more hereafter. 4 *Co.* 124. 12 *Co.* 124. *Co. Lit.* 731.

2*dly*, Such Corporations Civil, as have an absolute Estate in their Possessions, belonging to their Corporations, as a Mayor and Commonalty, *&c.* may together, and with a joynt consent levy a Fine of the Land belonging to their Corporation, as a single Person may do; but no one of the Corporation, though he be the Head thereof, nor any of the Members without the general consent of the whole Corporation can levy a good Fine. Corporations.

Also Bishops, Dean and Chapters, Heads and Fellows of Colleges, and such like who have any Estate of Freehold in Ecclesiastical Lands in Right of their Churches, *&c.* are forbidden and restrained by divers Acts of Parliament from levying any Fines of their Lands belonging unto them; but of the Lands such Persons have Spiritual Person. 21 *Ed.* 4. 13. *Plow.* 11, 78. 122, 124, 538, 575. 11 *Co.* 78.

have in their own Right, they may levy Fines as other Perſons may do.

Tenant in Tail of the Kings Gift.

Alſo he that hath an Eſtate Tail of the Kings Gift or Proviſion, cannot levy a good Fine of it to bind the King, or to bind the Iſſue in Tail, by the 32 *H.* 8. *Chap.* 28.

Intruder upon the King.

Alſo a Fine levied by the Heir that is an Intruder upon the Kings Poſſeſſion, is void, 1 *H.* 7. 5. 24 *Ed.* 3. 65.

Lands prohibited by Act of Parliament.

Alſo Fines levied, of any Lands, prohibited to be ſold by Act of Parliament, are void, Stat. 32 *H.* 8. *cap.* 36 and 28. And he that

By Husband of the Wifes Land.

hath an Eſtate in Fee-ſimple in Land in the Right of his Wife, is forbidden to levy a Fine without her. *Ibidem.*

So that the Perſons that levy a good Fine, muſt be ſuch, and muſt have ſuch an Eſtate in the Land, as they are not prohibited by any Law to levy the Fine, otherwiſe the Fine will be void.

Void Fine.

Perſons Outlawed.

But Perſons who are Outlawed, or waved in perſonal Actions only, may levy a Fine.

Attainted of Felony or Treaſon.

And Perſons attainted of Felony or Treaſon may levy by Fine, and it will be good againſt them and all others, except the King, and the Lord of whom the Land is held, 17 *Ed.* 3. 52. 17 *Aſſ. pl.* 17. 21 *H.* 7. 7. 9 *H.* 6. 20. 8 *Aſſ.* 25. Therefore care ought to be taken how ſuch Fines are levied.

Joint-Tenant, &c.

A Joint-Tenant, Tenant in Common or Partner, may levy a Fine of the Land ſo held by him, to a Stranger, or to another Joint-Tenant, Tenant in Common or Partner, 26 *H.* 8. 9. *Dyer* 69. 334. *Plow.* 338, 378. 11 *E.* 4. 68.

Alſo Tenant in Fee-ſimple, in Remainder or Reverſion. Tenant

Tenant for Life, its ſaid, may levy a *Fine ſur Grant & Releaſe*, of the Lands which he holdeth for Life, to hold to the Cognizee for Life of the Tenant for Life, 44 *Ed.* 3. 36. But if the Eſtate be larger, it is a Forfeiture of his Eſtate, 4 *H.* 7. *Noy* 30. Tenant for life.

And ſo the Law is the ſame of ſuch Fines by Tenant in Tail, after poſſibility, Tenant in Dower or by the Courteſy, 39 *E.* 3. 16. Tenant in Tail

But it ſeemeth to be no forfeiture of a Rent, 2 *H.* 5. 7.

Who may be Cognizees.

ANY Perſon that hath a Capacity to take by the Grant of a Deed, ſo as to be a good Grantee, ſuch a Perſon may be a good Cognizee in a Fine. So any Man or Woman, Sole or Covert, of full age or under age; any mad or lunatick Perſons, Ideot, or Man *de non ſane memory*; ſo any Man in or out of Priſon, or beyond Sea, any Perſon attainted of Felony or Treaſon, or Outlawed in a perſonal Action, a Baſtard, a Clerk convict, an Alien, any of theſe may be a good Cognizee, and take by a Fine as well as by a Deed; and a Fine levied to any ſuch Perſon will be good. All Perſons having Capacity to take by the Grant of a Deed may be Cognizees.

50 *Ed.* 3. 9.
3 *H.* 6. 42.
24 *Ed.* 3. 62.

So Corporations Spiritual and Temporal, Civil or Corporal, may be Cognizees in Fines, and Fines levied to them will be good. Corporations.

But before the ingroſſing of ſuch a Fine, there goeth always a Writ to the Juſtices of the Common Pleas, *Qd' permittant Finem ill' levari.*

If

Infant and Feme Covert.

If an Infant or Feme Covert be to take by Fine, he or ſhe need not be examined, as when they are Conuſors in a Fine, 24 *E.* 3. 62. 3 *H.* 6. 41.

Perſons civilly dead.

Perſons who by our Law are accounted civilly dead, as Monks, Fryers, and the like, may neither be Cognizors nor Cognizees in Fines, nor will a Fine levied by or to any of them be good, 22 *E.* 4. 4. 15 *E.* 4. 21. 5 *H.* 7. 25. 19 *H.* 6. 25.

And note, That a *Fine ſur Cognizance de Droit come ceo*, &c. may not be levied to any Perſon, but to one that is Party to the Writ of Covenant; yet a Vouchee after he hath entred into the Warranty to the Demandant, its ſaid may confeſs the Action or levy a Fine to the Demandant, for he is then ſuppoſed to be Tenant to the Land. So a Fine or Releaſe from the Demandant to the Vouchee is good, and yet they are not Parties to the Writ; but a Fine levied by the Vouchee to a Stranger is void.

3 *Co.* 29.
7 *Ed.* 4. 13.
5 *H.* 7. 40.

By what Names Cognizors and Cognizees may give and take in a Fine.

Two of one Name.

COgnizors and Cognizees, in Fines, ought to be called by their right Names of Baptiſm and Surname; and if there be two of one Name, it is moſt proper and ſafe to diſtinguiſh them by the diſtinction of Elder or Younger, and the like.

But

But Kings, Queens, Princes, Dukes, Marqueſſes, Earls, Viſcounts or Barons are ſeldom named by their Surname, but by their Chriſtian Name and Dignity; as *Jacobus Rex Angl' Carolus Princeps Walliæ, Johannes Dux Lancaſtriæ*, &c. Names of Dignity.

But Knights, Eſquires and Gentlemen are called by their Chriſtian Name and Surname, together with their Additions of Honour; as A.B. *Bar'*, C.D. *Mil'*, E.F. *Armig'*, G.H. *Gen'*, &c. And the addition of Biſhop, Dean, Prebendary, *&c.* its ſaid are rather uſed out of courteſy than neceſſity, for the Fine may be good without them, 21 *E.* 4. 8. 1 *Aſſ. pl.* 11. 7 *H.* 4. 22. 14 *H.* 6. 15. 1 *Brownl.* 30. Titles of Honour.

A Corporation or Fraternity muſt be deſcribed by the very true Name of the Corporation, as it is named in the Charter and Foundation of it, 11 *H.*4. 44. 12 *H.*4. 20. 7 *H.* 6. 27. 37 *H.* 6. 29. Corporation how to be named.

Some ſmall difference in a Name, its ſaid, will not hurt; as *Margery* for *Margaret*, *Agnes* inſtead of *Anne*; yet a Fine levied to *A.* and *Sibel* his Wife, where her right Name was *Iſabel*, was held void, 1 *Aſſ. pl.* 11. *Bro.* 344. Small difference in a Name hurteth not.

But if a Fine be levied by a Man and his Wife, and the Wife is named wrong, its ſaid this Fine ſhall bind her by Eſtoppel, *Bro.* 344. Caſe. Wife named wrong.

Yet if a Woman have two Husbands living, and with her ſecond acknowledges a Fine by his Name, this Fine it ſeems is void; but if a Woman levy a Fine with her right Husband, Wife miſnamed.

and

and by a wrong Christian Name, she cannot avoid such a Fine, *Bro. Fines* 17. 1 *Ass. pl.* 7. 7 *H.* 4. 22.

Feme Sole Marry before the day in Bank.

If a Feme Sole after the *Teste* of the Writ of Covenant, & *Dedimus potestat'* to take the Cognizance of a Fine of her, and before the day in Bank to record and ingross it, Marry, yet the Fine shall be good, and recorded by the Name she had when Sole; but her death at such time will make the Fine void.

Death before day in Bank.

By what Names the Parcels may pass and be placed.

NExt we must consider by what Names the Things whereof the Fine is to be levied may pass, and how the Parcels are to be placed therein.

A Fine may be levied of all Things, whereof either a *Præcipe qd' reddat*, or a *Præcipe qd' faciat*, or a *Præcipe qd' permittat*, or a *Præcipe qd' teneat*, lieth; It may be levied of Things Ecclesiastical or Temporal that are inheritable, and in *esse* at the time of the levying of the Fine: So a Fine may be levied of an

Honour,
Mannor,
Island,
Barony,
Castle,
Messuage,
Cottage,
Mill,
Toft,
Curtilage,
Dove-house,
Garden,
Orchard,
Land,
Meadow,

Meadow,
Paſture,
Wood,
Underwood,
Chappel,
River,
Chauntry,
Parſonage,
Rectory,
Advowſon,
Vicarage,
Tythes impropriate,
Eſtovers,
Foldage,
Corody,
Office,
Fiſhing,
Warren,
Fair,
Mine,
View of Frankpledge,
Waif,
Stray,
Felons Goods,
Deodand,
Hoſpital,
Furzes,
Heath,
Moor,
Rent,
Common,
Hundred,
Way,
Ferry,
Franchiſe,
Seigniory,
Reverſion,
Toll,
Tallage,
Picage,
Pontage,
Acquital,
Services,
Portion of Tythes,
Oblations, and the like.

But a Fine levied of Ancient Demeſn Lands will not be good. See *Weſt. Symb. part* 2. Stat. 32 *H.* 8. *cap.* 7. 8 *Co.* 145.

Many of theſe may be granted together in one Fine; as 50 Meſſuages, 40 Toſts, 500 Acres of Land, and 50 Shillings of Free Rent, as occaſion requires. Many of one ſort granted.

So of a Dove-houſe, 3 Gardens 2 *l.* 6 *s.* 4 *d.* Rent. Rent, and of the Rent of four Capons, one

pound of Wax and the like, all in one Fine, 3 *Co.* 45. 6 *Co.* 67. 7 *Co.* 38.

Demeſnes. Demeſnes, Rents, Seigniories, Courts, Pleas, *&c.* whereof a Mannor conſiſteth, paſs by the Name of *Manerium cum pertinentiis*, 3 Inſt. 513.

The nature and quality of the Things. The nature and quality of the Things muſt alſo be obſerved; as Land, Meadow, Paſture, *&c.* and the place where they lie.

More Worthy Things firſt. The more Worthy Things muſt be put firſt; as a Caſtle before a Mannor, a Mannor before a Meſſuage, a Meſſuage before Land, Arable before Meadow, *Plow.* 168. 7 *H.* 6. 39.

Things general. Things General before Things Special, as before, Meadow, Paſture, Wood, Heath, Marſh, *&c.* muſt be placed, Land being the *Genus* thereto.

So *Boſcus* muſt precede *Alnetum*, *Salicetum*, &c. as Wood is the *Genus* to Wood-Ground.

For the placing of Particulars in a Writ of Covenant, is in all Things as in a *Præcipe qd reddat* of Lands.

Reg. Orig. f. 2. And for this there is a Rule in the Regiſter which is thus ſet down after this manner.

nagium, tum, endinum, umbare,
Meſ- Toft Mol Col
dinum, ra, tum, tura, cus, ra,
Gar Ter Pra Paſ Boſ Bure
cia, eus, tum, carla,
Mora, Junca Matſ Alne Piſ
ditus,
Red Sectare Priora.

Alſo

Also intire Things must be set before their Parts; as *de Manerio de* C. *& Medietat' Manerii de* B. *cum pertin'*, &c. Intire things.

Parts of Things excepted, must succeed those Things out of which they be excepted; and if there be divers parcels in one Writ, that parcel out of which the Exception is to be made, ought to be last placed; as thus, *De Manerio de* D. *cum pertin' in* C. *Except' uno Messuagio, duabus Acris Terræ & Advocatione Ecclesiæ de* C. &c. *Regist. Orig. fol.* 6. Set after. Things excepted must be last placed.

And every thing excepted ought to be certainly named, but it needeth not to say, *cum pertinentiis* after the thing excepted, 40 *E.*3. 25. Thing excepted, certainly named.

And the exception must always be of such things as will lie in the Writ, *Regist. Origin.* 228, 229. and of such a thing as is comprehended in the Writ, and it is after this manner. *Præcipe* A. B. *qd' juste*, &c. *ten'* C. D. *Convention'*, &c. *de uno Messuagio, uno Cottagio & medietat' unius Messuagii & decem acr' terræ cum pertin' Except' una acra Terræ in* E. &c. and when come to the Concord, you say, *Et est Concordia talis scilicet qd' pred'* A. *recogn' Tenementa pred' cum pertin' (Except' præexcept') esse jus*, &c. but more concerning the Concord hereafter. Of what the Exception must be.

Also observe, that where the Original Writ is of many things, they must be expressed thus, suppose it were of a Mannor, House, Rectory, &c.

First, *De uno Manerio*, secondly, *Ac de Rectoria*; thirdly, *Necnon de Messuagio*; for the fourth thing, *Acetiam*; for the fifth, *Præterea*; The words for the dividing of Things are eight.

for the ſixth, *Ac ulterius*; for the ſeventh, *Acetiam*; and for the eighth, *Ac inſuper*, and if there be more, then to begin again.

And to be repeated, *vix.*

1 *De*, 2 *Ac*, 3 *Necnon*, 4 *Acetiam*, 5 *Præterea*, 6 *Ac ulterius*, 7 *Acetiam*, 8 *Ac inſuper*.

Again, Obſerve that certain and apt Words muſt be uſed to expreſs the Things to paſs by the Fine; for a Fine levied *de Tenemento*, or *de Hereditamento*, or *de duobus Tenementis*, is void, or at leaſt voidable for Error, becauſe of the uncertainty and unaptneſs of the words, 1 *Cro.* 196. *Leon.* 188.

Unapt Words.

For the proper word to expreſs a Tenement or Hereditament in a Fine is *Meſuagium*, as *de uno Meſuagio*, or *duobus Meſuagiis*, &c.

How a Mannor may paſs.

One Mannor may alſo be parcel of another Mannor, and paſs by the Name of that Mannor, 20 *Aſſ. pl.* 54.

Caſtle, Honour or Hundred.

Alſo a Caſtle, Honour or Hundred may be parcel of a Mannor, and paſs by the Name of the Mannor whereof it is parcel; or it may paſs by its own proper Name, as *de Caſtello de* A. *cum pertin'*, or *de Hundred' de* A. *cum pertin'* or *de Honore de* A. 1 *E.* 3. 4. 2 *E.* 3. 36. 20 *Aſſ. pl.* 54.

The Pariſh, Town and County, *&c.*

Alſo the County, Town, Pariſh or Hamlet where the Things lie that are intended to paſs by the Fine ought to be certainly named. In 2d. *Crook* 120. *Stock* and *Foxes* Caſe, It is ſaid, That if there be two Towns, *Walton* and *Street*, in the Pariſh of *Street*, and a Fine is levied of ſuch Lands in *Street*; in this Caſe the Lands in *Walton* will not paſs by this

Example.

Fine

Fine, *Walton* being a distinct Town or Village by it self; and although *Street*, the Parish, comprehend both, yet in the Fine the Lands in *Walton* shall not be said to be compriſed, unleſs *Walton* had been a Hamlet of *Street*, and that the Fine had been levied of Lands in the Parish of *Street*, then all would have passed well enough.

Several Towns of the same Name.

If there be divers Towns of one Name in the same County, it is best to make an addition for distinction.

Mannors extending into several Towns.

If a Mannor extend it self into divers Towns, as *A. B. C.* it is the best and safest to name all the Towns, or none of them at all, as *de Manerio de* S. *in* A. B. *&* C. or *de Manerio de* S. *cum pertin.* for if any one of the Towns be omitted, none of the Mannor in that Town will pass; but it seems that if the Mannor be only named, and not said in what Town it doth lie, the Fine may be good, 9 *E.* 4. 6.

Several Mannors of the same Name.

Also where divers Mannors be of one Name, with distinction of North and South, as *North S.* and *South S.* it is good in all the Proceedings of the Fine, to express which of the Mannors is intended to be passed, 1 *Cro.* 196. *Bro. Fines* 44. 91.

Fine of a Presentation.

When a Fine is but for the presentation to a Church only, it must be *de Advocatione Eccleſiæ de* S. and not *cum pertin.* and of Vicarages endowed, the Writ must be *de Advocatione Vicariæ Eccleſiæ de* S. And not *cum pertinentiis.* And where the Vicarage is not endowed, it must go under these words, *De Advocatione Eccleſiæ de* S. and Parsonages, Rectories,

Vicarages endowed.

Not endowed.

Parsonages.

Rectories, &c. Rectories, Advowsons, Vicarages and Tithes impropriate pass not by the words, *De Advocatione Ecclesiæ*, but by this, *de Rectoria Ecclesiæ de S. cum pertin.* West. Symb. 2 part.

Highwood and Underwood. Highwood and Underwood may pass by the general name of Wood, as *de viginti Acr. Bosci*, West. Symb 2 part.

House-boot, Hay-boot, &c. House-boot, Hay-boot and Plow-boot by the name of Estovers, as *de rationabili Estoverio in Boscis*, viz. *in decem Acris Bosci ipsius* A. *in* D. West. ibid.

A Fishing may pass by the name of *Separal. Piscaria in aqua de* S.

A Foldage. A Foldage may pass by the name of *de libertat. unius Foldagii & Cursu Ovium cum pertinen. in* F. or *de libero Faldagio Ovium cum pertin. in* F. or *de libera Falda*, West. Symb. 2 part.

A Chappel. A Chappel or Hospital will pass by the name of a Messuage, 13 *Ass.* 2.

Messuagium is a dwelling-house. So by the name of a Messuage, with the Appurtenances may pass a House, with a Shop, Curtilage, Garden, Orchard, also a Dove-house and Mill as parcel thereof, *Bract. lib.* 5. *cap.* 28. *sect.* 1. *Plow. fol.* 169, 170, 171.

Curtillagium a Garden or Yard near or belonging to a Messuage. So by the name of a Cottage, a Toft, a Chamber, a Cellar, *&c.* may pass, and yet these also may pass alone by their own single Names of *de uno Messuagio, uno Curtilagio, &c.* West. *ut supra.*

A Toft is a place wherein a Messuage hath stood.

Part of intire things. Part of an intire thing may pass by the words *de medietate, de tertia parte*, or *de duabus partibus in tres partes dividend.* (as the Case requires) so *de Medietate omnium decimarum*

marum Granorum & Feni ac Terræ vocat. Bucum pertin. in H.

But if an intire Thing, as a Mannor, Messuage be parted, as if the Mannor of *S.* be divided into two parts, and the division be so made, as that the Mannor for that part be not extinct, and a Fine is to be levied of part of it; it must pass by the name of the whole, as *de Manerio de* S. Mannor divided.

So if a Messuage and 23 Acres of Land be parted, the part divided may pass by the name of one Messuage, and ten Acres of Land, and not *de Medietate unius Messuagii & viginti & trium acrarum terræ.* Messuage, &c. divided.

Molendinum, is good without adding *ventriticum*, or *aquaticum* or *granaticum*, yet the latter is most usual, 44 *E.* 3. *f.* 13. Molendinum.

Land may be demanded by a certain number of Acres, as *de decem Acris Terræ, viginti Acr. Prati, ducent. Acr. Pasturæ*, &c. or by the certain measure of the superficial quantity thereof, as *de Hida, Carucata, Bovata, Virgata, Acra, Roda, Furlingo Terre*, &c. Land demanded how.

In like manner *Boscus, Subboscus, Bruera, Mora, Juncaria, Mariscus, Alnetum & Ruscaria*, may be demanded by the number of Acres thereof, 16 *Ass.* 9. Boscus, Subboscus, &c.

Turbary may be demanded by the name of *Moræ*. Rent, by the number of the Things, or that which is to be rendred; as *decem Libr. decem Marr. duodecim Solid. sex Denar. un. Obol.* &c. 21 *E.* 3. 44. Turbary.

But note, That it is usual in Fines to comprehend more number of Acres than are intended More Acres contained in the Fine than intended to pass.

tended to pass, and this will not hurt; for in such Case no more shall pass than what is intended and agreed upon between the Parties, *Poph. Rep.* 105.

See more for these Things in *West. 2 part.*

Of the Concord of a Fine.

How the Particulars are to be named in the Concord.

HAving considered the placing of Parcels in Fines, and by what Names, which in drawing of Concords are recited in the *Precipe*, being the Head or Title thereof, and are to be in the same order and words as are to be in the Original Writ, being the recital and direction thereof; let us next examine and consider the Concord it self.

Things not recited again.

In the Concord the Particulars or Parcels need not, nor are used to be recited over again, as in the *Præcipe* for the Writ of Covenant, (or in any other Original Writ whereon the Fine is to be levied;) but it will be sufficient to say,

Et est Concordia talis scilicet quod A. *recogn. Tenementa præd. cum pertin. esse jus ipsius* B. *&c.*

And by these words *Tenementa præd.* any number or quantity of distinct Things or Parcels will be well enough expressed.

Things recited again.

But if the *Precipe* be of intire Things by themselves, as *de Manerio*, or *Maneriis cum pertin. in* A. then must you say in the Concord,

Et est Concordia talis scilicet quod præd. A. *recogn. Manerium*, or *Maneria præd. cum pertin. esse jus*, &c.

Neither

Neither will Meſſuages named by themſelves in a *Precipe*, paſs by the word *Tenementa* in the Concord; alſo an Example.

Honour,
Caſtle,
Iſland,
Barony,
Hundred,
Burough,
Knights Fee,
The ſcite of a Manor,
A Park,
Prebendry,
Rent,
Common,
A Warren,
Fiſhing,
Rectory,
Tythes,
Oblations,
Toll,
Stallage,
Pontage,
View of Frankpledge,
A Liberty.
Franchiſe,
Office,
Bailiwick,
Fair,
Market,
Paſſage,
The Moiety or Part of an intire thing.
Wreccum Maris,
The Advowſon of a Church or Portions of Tythes muſt be particularly named in the Concord, as well as in the Precipe.

Next we are to conſider the end and intent of the Fine, which is to paſs a Right, and limit Eſtates from one to another. The end and intent of a Fine.

And this appears by the Concord thereof, in which it is to be noted, That though there be divers Cognizees, yet the right ſhall be limited to one of them only, and the Eſtate limited to his Heirs only whoſe right it is acknowledged to be. See *Weſt. Symb. Tit. Fines*, 3 *H.* 6. 42. 24 *E.* 3. 64. How the right is to be limited

As

(As thus,) *A.* is Cognizor, *B.* and *C.* Cognizees.

Example.

Et eſt Concordia talis ſcilicet quod præd. A. cogn. Tenementa præd. cum pertin. eſſe jus ipſius B. *ut ill. quæ iidem* B. *& C. habent de dono præd.* A. *Et ill. remiſit & quiet. clam. de ſe & hæred. ſuis præfat.* B. *& C. & Hæredibus ipſius* B. *imperpetuum. Et pro hac*, &c.

Concerning the Releaſe and Warranty

It is alſo ſaid, That the Releaſe and Warranty muſt be by one of the Cognizors, and from him and his Heirs only; for in a Fine from divers, the Fee muſt be ſuppoſed to be in one of them only, 21 *E.* 3. 33. but I find the Uſe generally otherwiſe.

Indeed in a Fine from a Man and his Wife it ſeems ſometime to that purpoſe, as thus.

From Husband and Wife, the Fee being in the Husband.

Precipe A. B. *& C. ux. ejus quod juſte*, &c. *ten.* D. *Con.* &c.

Et eſt Concordia talis ſcilicet quod pred. A. *& C. recogn. Tenementa pred. cum pertin. eſſe jus ipſius* D. *ut ill. que idem* D. *habet de Dono pred.* A. *& C. Et ill. remiſer. & quiet. clam. de ipſius* A. *& C. & hered. ipſius* A. *prefat.* D. *& hered. ſuis imperpetuum. Et preterea iidem* A. *& C. conceſſer. pro ſe & hered. ipſius* A. *quod ipſi Warr. pred.* D. *& hered. ſuis pred. Tenementa cum pertin. contra ipſos* A. *& C. & hered. ipſius* A. *imperpetuum. Et pro hac*, &c.

From the Husband and Wife of the Wifes Lands.

Precipe A. B. *& C. ux. ejus quod juſte*, &c. *teneant* D. *Con.* &c.

Et eſt Concordia talis ſcilicet quod pred. A. *& C. recogn. pred. Tenementa cum pertin. eſſe jus ipſius* D. *ut ill. quæ idem* D. *habet de Dono pred.*

pred. A. & C. *Et ill. remiſer. & quiet. clam. de ipſis* A. & C. & *hered. ipſius* C. *prefat.* D. & *hered. ſuis imperpetuum Et preterea iidem* A. & C. *conceſſer. pro ſe & hered. ipſius* C. *quod ipſi Warr. pred.* D. & *hered. ſuis pred. Tenementa cum pertin. contra pred.* A. & C. & *hered. ipſius* C. *imperpetuum Et pro hac*, &c.

And ſo it may be from two others, the Fee being in one of them.

But generally where there is divers Cognizors in a Fine, the Releaſe is from them and their Heirs, as thus, By Husband and Wife, and the two other Conuſors to two Conuſees.

Et eſt Concordia talis ſcilicet quod pred. A. & B. C. & D. *recogn. Tenementa pred. cum pertin. eſſe jus ipſius* E. *ut ill. quæ iidem* E. & F. *habent de Dono pred.* A. B. C. & D. *Et ill. remiſi & quiet. clam. de ipſis* A. B. C. & D. & *heredibus ſuis prefat.* E. & F. & *hered. ipſius* E. *imperpetuum Et preterea iidem* A. B. C. & D. *conceſſer. pro ſe & hered. ipſius* A. *quod ipſi War. Tenementa pred. cum pertin. prefat.* E. & F. & *hered. ipſius* E. *contra omnes homines imperpetuum. Et pro hac*, &c.

Releaſe from the Cognizees & heredib. ſuis.

Warranty General.

Or if the Warranty be ſpecial, thus, A. B. C. & D. *Et hered. ipſius* A. *imperpetuum.*

Warranty Special.

And in theſe Caſes each of the Conuſors may warrant apart if they will, and one may give a General Warranty, and the other a Special Warranty; and 'tis the uſual practice to warrant apart where there are divers Cognizors, as thus, in the former Caſes.

Several Warranties.

Et preterea iidem A. & B. *conceſſer. pro ſe & heredibus ipſius* A. *quod ipſi warr. Tenementa cum*

Example. Firſt from *A.* and *B.* Husband and Wife.

cum pertin. prefat. E. *& hered. ipſius* F. *contra pred.* A. *&* B. *& hered. ipſius* A. *imperpetuum Et* * *ulterius idem* C. *conceſſit pro ſe & heredibus ſuis quod ipſi Warr. Tenementa pred. cum pertin. prefat.* E. *&* F. *& hered. ipſius* E. *contra pred.* C. *& hered. ſuos imperpetuum Et* * *etiam idem* D. *conceſſit pro ſe & heredibus ſuis quod ipſi Warr. Tenementa pred. cum pertin. prefat.* E. *&* F. *& hered. ipſius* E. *contra pred.* D. *& hered. ſuos imperpetuum Et pro hac*, &c.

* *Or* Et inſup.

* *Or* Et ulterius

And ſo of the like by theſe Words, *Et preterea, Et inſuper, Et etiam, Et ulterius, Et denique*, &c. as you may obſerve in the following Preſidents.

Several Purchaſes in one Fine.

And note, That Lands bought of divers Perſons, by ſeveral Purchaſors, may well paſs in one Fine, and then the Writ of Covenant muſt be brought by all the Vendees againſt all the Vendors, and every Vendor muſt Warrant againſt him and his Heirs only. And theſe Joint Fines are ſeaſonable when the Purchaſes are of ſmall value. See after a Precipe and Concord, Where one Cognizor warrants one part, another another part, and another another part.

Several Writs of Covenant, and when.

And note further, That one Concord may be of Lands in ſeveral Counties, and the Fine *pro Licencia Concord'* of all extracted entirely; but there muſt be ſeveral Writs of Covenant retornable all at one day, *Dyer f.* 227. *pl.* 24. See *Weſt. Preſ. Tit. Fines.*

How

How Fines are to be levied, and before what Perſons.

THE Perſons are either ſuch as take the Cognizances of Fines, or the Perſons to whom ſuch Cognizances are certified. Who may take the Cognizances of Fines, and certifie them, &c.

Some Perſons may take Cognizance of Fines, *ex Officio*, and by vertue of their Office.

Others muſt be authorized thereto by Commiſſion, elſe they cannot do it.

Ex Officio, The Lord Chief Juſtice of the Court of Common Pleas hath power to receive and certifie the acknowledgment of all manner of Fines without any Commiſſion as well in Court as out; alſo two of the Juſtices of the ſame Court, have power ſo to do in open Court, *Jenk. Cent.* 4. *Caſe* 28. Ex Officio.

As for others they take them by Commiſſion, either General or Special, iſſuing out of the Chancery. So Juſtices of Aſſize, who are by Commiſſion, may do it by the general words of their Patent, yet they do not uſe to certifie them without a ſpecial Writ of *Dedimus Poteſtatem*, *Dyer* 224, 377. 2 *Co. Inſt.* 512, 513, 514. *Weſt. Symb.* 2 *part. Bro. Fines* 120. *Jenk.* 4. and 28. By Commiſſion. Dedimus Poteſtatem.

Alſo Judges of both Benches, and Barons of the Exchequer, do uſually take the Cognizances of Fines before a *Dedimus Poteſtatem* ſued out, and afterwards to certifie the ſame upon the *Dedimus*, *Jenk. ut ſupra*, & *Cent.* 7. *Caſe* 3. Certificate after Dedimus

But

Country Commissioners.

But besides these, there are other Commissioners, who are impowred by a *Dedimus Potestatem* directed unto them for that purpose; and they ought to be honest and understanding Gentlemen, usually living about that part of the Country, or place where the Cognizors dwell, who are to acknowledge the Fine before such Commissioners, one whereof must be a Knight.

One to be a Knight.

This Writ of *Dedimus* doth surmise, that the Parties who are to acknowledge the Fine are not able to travel to *Westminster*, for the doing thereof, and therefore the Commissioners are authorised to take their Cognizance, and this they may take from them altogether at once, or asunder, at several times and in several Places as they please, as you may see by some of the Presidents at the later end.

Caution.

But if the *Dedimus* be to two jointly to do it, one of them in this Case ought not to do it alone; or if it be to three jointly, two of them ought not to do it, for it will be Error; therefore care must be taken concerning their joint and several Power; so if one of the Cognizees be one of the Commissioners, and he himself take it, it is Error, *Fitz. N. B.* 146, 147. *Dyer* 220. 1 *Cro.* 249. See *Forme bene placitandi*, *Tit. Errors Assign.*

How

How to ſue out a Fine before the Lord Chief Juſtice of the Common Pleas.

First draw your *Precipe* fairly in Paper, thus,

Wilts' ff. *Precipe Willielmo Owen quod juſte, &c. teneat Samueli Potter Conventionem, &c. de uno Meſuagio duobus Gardinis, viginti Acris Terre, decem Acris Prati, & decem Acris Paſture cum pertin. in* S. *Et niſi, &c.* Then write the Concord, as under obſerve. * The Precipe.

Then ingroſs it fairly in Parchment with the Concord; many Forms whereof you will find in this Treatiſe, as the Caſe requires, ſuppoſe it thus, *viz.* Note, The Paper Copy Is to remain with the Clerk of the Fines.

* *Et eſt Concordia talis ſcilicet quod pred. Willielmus recogn. Tenementa pred. cum pertin. eſſe jus ipſius Samuelis ut ill. que idem Samuel habet de Dono pred. Willielmi Etuill. remiſer. & quiet. clam. de ſe & heredibus ſuis predicto Samuel. & heredibus ſuis imperpetuum Et preterea idem Willielmus conceſſit pro ſe & heredibus ſuis quod ipſi Warr. predict. Samuel, & heredibus ſuis predict. Tenementa cum pertin. contra ipſum Willielmum & heredes ſuos imperpetuum Et pro hac, &c.* The Concord.

You

You may also for dispatch write the Caption underneath it thus, on the left Hand,

Capt. & cognoit. primo die Junii Anno Regni Domini Willielmi & Dominæ Mariæ nunc Regis & Reginæ Angl. &c. quarto coram me

The Cognizor must subscribe his Name on the right Hand thus,

William Owen.

Also some body that knows the Parties must signifie such his knowledge at the bottom thereof thus,

A. B. *cogn. Partes.*

Note, The Clerk of the Fines usually sees these two done.

Then go with the Cognizor or Cognizors to the Lord Chief Justice of the Common Pleas, at his Chamber, and deliver your Paper or Parchment to the Clerk of the Fines, who will enquire of him that comes with the Parties to the acknowledgment of the Fine, if he knows them, and see that he subscribes to the Fine as aforesaid; which done, he will get the Lord Chief Justices Hand to the Caption of the Concord, ingrossed in Parchment, (and also to the Copy thereof, in Paper, which is to remain with the Clerk of the Fines,) Then you are to carry the Concord, in Parchment, to the Curitor of the County where the Lands lie, and there get your Writ of Covenant made, which (before it be sealed) you are to carry to the Alienation Office, and there compound it, and get it entred and endorsed; then carry it back to the Curitor, who will get it sealed; and this being done, you must make a Warrant of Attorny for the Fine in this manner.

Writ of Covenant.

Alienation Office.

Wiltes

Warrant of Attorny.

Wiltes ſſ. *Samuel Potter, po. lo. ſuo* A. B. *Attorn. ſuum ad proſequend. Breve de Con. verſ. Willielmum Owen de Terris & Tenementis in* S. &c.

Warrant filed.

This Warrant of Attorny you are to file with the Clerk of the Warrants, who will ſign your Writ of Covenant.

Writ of Covenant returned.

Then file the Writ of Covenant and Precipe and Concord together, and carry them to his Office, who is to return Writs of Covenant, who will return and ſign the Writ of Covenant with his Stamp.

Cuſtos Brevium.

Proclamations indorſed.

From thence carry it to the *Cuſtos Brevium*, who makes his Entry thereof upon the Rolls, and will indorſe upon the Writ when the Proclamations are to be made.

Kings Silver Office.

From thence to the Kings Silver Office, who will perform what belongs unto it there; and being once diſpatched this Office, it is then a Fine in force of Law; afterwards carry it to the Chirographer, and there the Clerk who belongs to the County where the Lands do lie, will make the Indentures of the Fine, and then it is finiſhed.

Fine of force in Law.

Chirographer.

How to acknowledge a Fine at the Bar.

Writ of Covenant.

YOU muſt firſt make your Precipe in Paper for the Curſitor of the County to make the Writ of Covenant, and having receiv'd it from him ſealed, then write a Precipe

Precipe and Concord delivered to a Serjeant at Law.

and Concord thereof in Parchment, and deliver them all to one of the Serjeants at Bar, the Cognizors being also present.

Appearance of Cognizors recorded.

Then the Serjeant will desire the Justices to record the Appearance, which being granted the Serjeant saith,

Deniers le Roy & Royne.

Then answereth the second Prothonatary, or his Clerk,

Que Donera.

Then the Serjeant will answer thus,

Ceaſtuy que avera.

Then the second Prothonatary or his Clerk answereth again,

Trabus le Pain.

The Concord in French. Examination. Note, A Feme Covert ought not to be examined upon any Fine, but where she and her Husband do pass some Estate or Interest, or release her right by Fine of the Lands and Tenements, *Co. Lit.* 353.

Then the Serjeant will say, *Ove voſtre Congé la Paix eſt tiel, ſcilicet*, &c. reciting in French the substance of the Concord, with relation to the Lands in the Precipe. And after that, if any of the Cognizors be Feme Covert, or Married Woman, the Serjeant will direct her to go up to the Puisne Judge, to the Bench, to be examined of her consent to part with her right in the Land, if whether she do it freely, or by compulsion, and then the Judge taketh the Concord, in Parchment, and reads her the Contents, and examineth her privately apart; and that done, she delivers it to the Prothonatary to be recorded.

Fees of Court.

After it is recorded you must pay the Fees of the Court, and then take the Precipe and Concord and file it to the Writ of Covenant, and pass it through the several Offices as before directed in case of acknowledgment before the Lord Chief Justice.

The

The manner of acknowledging and levying a Fine before Commissioners.

DRaw your Precipe and Concord in Paper, which with the Commissioners Names, (one thereof must be a Knight,) you must deliver to the Cursitor of the County, who will thereby make out your *Dedimus Potestatem*, and get it sealed for you.

Precipe for a Dedimus.

Then deliver the *Dedimus Potestatem* to the Commissioners, with the Precipe and Concord ingrossed in Parchment, with Wax and Seals unto it.

Dedimus delivered to the Commissioners

The Commissioners ought to take care that they know the Cognizors, and their fitness and capacity to be so; and if * Husband and Wife be Cognizors, she ought to be examined solely and apart, whether she does it of her own free will, or by threats and compulsion.

* It is a Rule, That where the Right of the Wife shall pass by Fine from her, she is to be examined, but if nothing is moved in the Fine but only that they two do take an Estate by it, this will not conclude, and therefore she is not to be examined.

The Cognizance being taken, the Commissioners must † return the *Dedimus Potestatem* thus, *viz.*

† Return of Dedimus.

Executio istius Commissionis patet in quadam Schedula huic Commissioni annex'.

And then filing the Concord to the back of the *Dedimus*, the Commissioners must set their Seals to the Concord, and their Hands to the *Dedimus*, under the return thereof.

Caption. The Caption alſo muſt be entred under the Concord, and the Commiſſioners Names ſubſcribed thus,

Capt. & cognit. apud A. *in Com.* B. *decimo ſexto die Septembris Anno Regni Domini Willielmi & Dominæ Mariæ nunc Regis & Reginæ Angl. &c. quarto coram nobis*
A. B.
C. D.
} The Caption is firſt in Courſe.

Your *Dedimus* being returned, carry it to the Curſitor, who will make the Writ of Covenant, and then paſs the Fine as before is directed. And note, That if none of the Commiſſioners who took the Caption was a Knight, you muſt then draw up a Certificate upon the back of the Concord, and carry it to a Judge of the Common Pleas for his Allocatur.

Certificate.

The form of the Certificate, a Feme Covert being a Cognizor.

A. B. Gent. One of the Commiſſioners in the Writ of *Dedimus*, named, maketh Oath, that this Fine was duly executed, the Cognizors of full Age, and the Feme Covert (being ſecretly and apart examined) willingly conſented, *A. B.*

Note, The Commiſſioners are to return their *Dedimus* with the Concord annex'd, within one year next after the taking the ſame Conuſance at fartheſt; and if they refuſe to return or certifie this, the Party grieved by it, may by a Writ called *Cognitionibus admittendis*, or a *Certiorari*,

Certiorari, compel that Commissioner that hath it in his Custody, or his Executor or Administrator (if he be dead) to certifie it, Stat. 23 *El. cap.* 3. *Dyer* 220, 246. 320, *Fitz. N. B.* 147. *Co.* 5. 39.

Next we proceed to the Forms of Precipes and Concords; and first we will observe the Form of each of the four sorts of Fines before mentioned, *viz.*

1. *A Fine sur Cognizance de Droit come ceo*, &c.
2. *A Fine sur Done, Grant & Render.*
3. *A Fine sur Done & Grant tantum.*
4. *A Fine sur Concessit.*

Of which in order.

The Form of a *Fine sur Cognizance de Droit come ceo, que il ad de son dane*, single.

Precipe A. B. qd juste &c. teneat C. D. Conventionem &c. de uno Messuagio uno Cottagio & decem Acr' Pastur' cum ptin' in C. Et nisi &c.

Et est Concordia talis scilt qd pred' A. recogn' Tenementa pred' cum ptin' esse jus ipsius C. ut ill' que idem C. habet de dono pred' A. Et ill' remisit & quiet clam' de se & heredibus suis pred' B. & heredibus suis imperpetuum Et preterea idem A. concessit pro se & heredibus suis Qd ipse warrant' pred' B. & heredibus suis Tenementa pred' cum p-tin' contra pred' A. & hered' suos imppetuum Et pro hac &c.

Note, The Concord muſt contain no more Land or other things than are in the Writ of Covenant, as if the Writ be of the Mannor of *D.* only, and the Concord is of the Mannor of *D.* and Mannor of *S.* In this Caſe the Fine as to the Mannor of *S.* will be voidable, 2 *Co. Inſt.* 513.

If a Fine be levied to any Perſon not named in the Writ of Covenant; as if *A.* be Plaintiff in the Writ of Covenant againſt *C.* and *C.* levieth a Fine to *A.* and *B.* this is not a good Fine, but avoidable by Writ of Error, 2 *Co. Inſt.* 513, 514.

If Rent be reſerved upon this ſort of Fine, it is void.

The Form of a *Fine ſur Done Grant & Render*, otherwiſe called a double Fine.

Midd' ſ. Recipe A. B. Gen' qđ juſte &c. ten' C. D. Conventionem &c. de Manerio de C. cum pt'in' &c. Et niſi &c.

Et eſt Concordia talis ſcilt' qđ pred' A. recogn' Manerium pred' cum pt'in' eſſe jus ipſius C. ut ill' que idem C. habet de dono pred' A. Et ill' remiſit & quiet' clam' de ipſo A. & heredibus ſuis pred' C. & heredibus ſuis imppetuum Et preterea idem A. conceſſit pro ſe & heredibus ſuis qđ ipſi warr' Manerium pred' cum pt'in' pfat' C. & heredibus ſuis contra ipſum A. & heredes ſuos imppetuum Et pro hac recogn' remiſſion' quiet' clam' warrant' fine & Concordia idem C. conceſſit pred' A. pred' Manerium cum pt'in' Et ill' ei reddidit in eadem Cur' habend' & tenend' eidem A. & heredibus quos idem A. procreaverit

Grant & Render in Tail with divers Remainders over.

verit de corpore F. tunc uxoris ejus tenend de Capitalibus Dominis Feodi ill' p̃ servitia que ad p̃ed Manerium p̃tinent. Et si contigerit q̃d idem A. obiret sine hered̃ per ipsum de corpore ipsius F. procreat. tunc post decessum ipsius A. p̃ed Manerium cum p̃tin integre remanat p̃ed F. tenend &c. tota vita ipsius F. Et post decessum ipsius F. p̃ed Manium cum p̃tin integre remanat rectis hered̃ p̃ed C. tenend &c.

Note, None may take the first Estate by way of Render but the Cognizors or one of them.

If a Grant and Render in a Fine of Land be immediately, *& primo gradu*, to one that is no Party to the Writ, this is not good, but immediately, or *in secunda gradu*, such a one may take; as if two levy a Fine, and the Grant and Render back again is to one of them only, this is good enough, 2 *Co. Inst.* 514.

So if a Writ of Covenant be brought by *A.* against *B.* of the Mannor of *D.* and *B.* levy a Fine to *A. come ceo*, &c. in this Case *A.* may grant or render the same to *B.* for Life, or in Tail, the Remainder to *F.* in Fee; and this is good as in a Deed by way of Remainder, 2 *Inst.* 514. *Bro.* 111, 117, 118.

Note, No single or double Fine may be with a Remainder over to any other Person not contained in it, but it must be to the Conusee and his Heirs only; nor can any Rent be reserved upon a pure Fine *sur Cognizance de Droit come ceo*, but upon a Fine of Grant and Render, and upon *sur Concessit* only; nor may it be on a Condition, 5 *Co.* 38.

Double Fine.

Note, That by a double Fine, or Fine with Render, almoſt any kind of Contract about Land may be made, and drawn up in form by a Fine of this nature, See *Weſt. Symb. 2 part, Perk. ſect. 629. Bro. Fines* 108.

Render.

Note, That the Render of a Rent (if any be) muſt be to one of the Parties to the Fine, and not to a Stranger, *Dyer* 63. 39 *Co.* 2. in Lord *Cromwells* Caſe.

Remainder.

A Man may not reſerve to himſelf a leſs Eſtate by way of Remainder, than the Fee; as if *A.* levy a Fine of his Land to *B.* and *B.* regrant, and render it to *A.* for Life, this will be void, 14 *H.* 4. 31. 34 *E.* 3. 26. *Dyer* 33, 34, 69.

Condition, Re-entry.

That there may not be a Condition or Clauſe of Re-entry for not payment of Rent inſerted into this kind of Contract and Concord; and yet ſome hold that a Fine levied to one in Tail, upon a Condition, with a Remainder over, is good, 1 *Co.* 76. 6 *Co.* 33. 2 *Co.* in *Cromwels* Caſe, *Dyer* 33, 69. See 27 *H.* 8. 84. *Plow.* 34. 24 *E.* 3. 62. Whereby it ſeems a Fine may be levied to one upon Condition, with Remainder, but not with Re-entry.

Note, That a Render of a Concord may not be of any other thing than what is in the Writ of Covenant, unleſs it be of a Rent, or Common iſſuing out of it, 18 *E.* 4. 12.

Example upon this ſort of Fine.

But a Fine may be (as hath been ſaid) with a Render back again of ſome Eſtate in the ſame Land that paſſeth by the Fine, or ſome Rent out of it; ſo that in this kind of Fine there may be a Reſervation of Rent, a Clauſe of Diſtreſs,

ſtreſs, or *Nomine pœnæ*, and a Warranty; and therefore if *A.* levy a Fine to *B. ſur Cognizance de Droit come ceo*, &c. and *B.* by the ſame Concord doth grant and render the Land back again to *A.* for Life, without Impeachment of Waſte, the Remainder to *C.* the Wife of *A.* for her Life, the Remainder to *A.* and his Heirs, Joynture,

This is a good Concord, and by this Deviſe a Joynture may be, and is oft-time made for a Woman.

So if *I.* and *B.* his Wife levy a Fine to *A.* in Fee, *ſur Cognizance de Droit come ceo*, &c. and then *A.* rendreth to *I.* for Life without Impeachment of Waſte, the Remainder to *B.* his Wife for term of her Life, the Remainder to *I.* and his Heirs, this is good, *Bro. Fines* 108. To make a Joynture.

And by this Form a Leaſe for Life or Years may be made by Fine with a Render. The Leſſee muſt acknowledge the Land to be the right of the Leſſor that is ſeized of the Land, as that, &c. and then the Leſſor muſt grant and render the ſame back again to the Leſſee (that is Conuſor in the Fine) for Life, or for certain number of Years (as the Agreement is) reſerving Rent with Clauſe of Diſtreſs; and this is a good Fine, and a common Device for this purpoſe; but if the Leſſor be Tenant in Tail, it ſeems this kind of Fine will not bind the Iſſue in Tail. Leaſe for Years, &c.

And yet if *A.* Tenant in Tail, and *N.* do by Fine acknowledge the Land to be the right of a Stranger, as that, &c. and then the Stranger (that is the Cognizee) doth grant and render To bar the Iſſue in Tail.

the

the Land again to *N.* for Life or Years, rendring Rent with Clause of Distress, &c. and then grant and render the Reversion to the Tenant in Tail, this will be a good Fine to bar the Issue in Tail also, and will likewise pass the Rent and Reversion to the Tenant in Tail also, *Bro. Fines* 106, 118. 6 *Co.* 33. 1 *Co.* 76. *Plow.* 435. *Dyer* 279. *Perk. sect.* 629.

Aliter. To have a Lease for Years to bind a Tenant in Tail. The Tenant in Tail and the Lessee did acknowledge the Tenements to be the right of one *A.* a Stranger, who did grant and render the same Fine to the Lessee for Years, the Remainder to the Lessor and his Heirs, this was with Proclamations; this is a good Lease to bar the Issue in Tail, 44 *E.* 3. 45.

Aliter. That by a Fine with a Render a Lease for Years may be made thus also. If one that is Tenant in Tail within 11 *H.* 7. accept of a *Fine sur Cognizance de Droit come ceo*, &c. and then by the same Fine render back the Land to the Cognizor for 100 Years; this will be a Discontinuance, and bind the Issue by this Statute, 2 *Leon. Case* 206.

The Form of a *Fine sur Cognizance de Droit tantum.*

Midd' ff. PRecipe A. B. & C. uxori ejus qũ juste &c. teneant D. E. Conventionem &c. de tertia parte trium Messuagiorum trium Tofforum trium Gardinorum duc. Acr Terræ seraginis Acr Prati & centum

Acr

Acr' Pasture cum ptin in F. G. & H. Et will &c.

Et est Concordia talis scilt qd pred A. & C. recogn tertiam partem pred cum pertin esse jus ipsius D. Et concesser qd eadem tercia pars cum ptin (quam J. B. vid tenet ad terminum vite sue de hereditate ipsius C. die quo her Concordia facta fuit Et que post mortem ejusdem J. B. ad ipsos A. & C. revertt debuit) remand ptat D. & heredi suis imppetuum teneñ &c. Et preterea idem A. & C. concess. pro se & heredibus ipsius C. qd ipsi warr ptat D. & heredibus suis tertiam partem pred cum ptin sicut pred est contra se & heredes ipsius C. imperpetuum Et pro hac &c.

Grant of a third part in Reversion by a Co-partner.

When the words *Come ceo que ill' ad de son done*, viz. *ut ill' quæ idem* the Cognizee *habet de dono præd.* the Cognizor, are left out in a Fine, and such Fine be levied to him who hath the Freehold of the Land, then it is called (a Fine upon Release) and is to be executed; but if he that acknowledgeth the Fine be seized of the Land, and he to whom it is levied hath not the Freehold of the Land, then it is called a Fine Executory, and must be executed, unless the Party be in possession, and then there needs no Writ of *Habere fac' seisinam.*

A Fine upon a Lease, as it seems, may not enure to an use, that is, It may not be intended to the use of any other but to him to whom it is levied, unless an Use be expressed in the Fine,

or

or in another Deed; and if a Disseisor be, and the Disseisee levieth a Fine upon a Release thereby the Right is gone, and a Stranger may levy such Fine to Tenant for Life, and it shall be no Forfeiture of his Estate, 3 *Leon.* 36, 37. 3 *Co. Inst.* 36.

The Form of a *Fine sur Concessit.*

Midd. ss. PRecipe A. B. & C. ux' ejus quod [illegible] juste &c. teneant D. E. Gen. Conventionem &c. de duobus Molendinis centum & seraginta Acr' Terre seraginta Acr' Prati & quinquaginta Acr' Pastur' cum ptin' in F. ac de omnibus decimis Granorum exceptis de Tenementis pred' cum ptin' necnon de omnibus decimis Lane & Agnorum provenien' de trescentibus Ovibus depastur' super Terras decimales Manerii de F. Et nisi &c.

Et est Concordia talis scilt' quod pred' A. & C. concesser' Tenementa & decimas pred' cum ptin' pfat' D. Et ilt' ei reddider' in ead' Cur' habend' & tenend' eidem D. a primo die Aprilis ult' pterit' usq; finem & termin' nonaginta & novem annorum extunc pro' sequen' & plenar' complend' & finiend' reddend' inde annuatim pred' A. & heredibus suis duos solid' legalis monete Angl' ad Fest' Sancti Michis Archi & Annunciation' Beate Marie Virginis p' equales Portiones annuatim solvend' toto termino pred' si petatur Et pred' A. & C. & hered' ipsius A. warrant' pred' D.

Lease for 99 Years *sur Concessit.*

Tene-

Tenementa & decimas prēd cum ptin (sicut previtum est contra ipsos A. & C. & hered ipsius A. Et contra omnes al' clamantes per prēd A. toto termino prēd Et p hac &c.

Note, The Render of Rent must be to one of the Parties, and not to a Stranger, *Dyer* 63. 2 *Co.* 39.

Upon a Lease for Life, for 99 Years if the Cognizors shall so long live.

Et est Concordia talis &c. (as before usq) plenar' complend & finiend si prēd A. & C. aut eorum alter tam diu vixerit vel vixerint reddend prēinde eisdem A. & C. & eorum supviventi nunc grand piperis annuatim solvend ad Fest' (&c) durand toto termino prēd si petatur Et pterea iidem A. & C. warant prēd D. Manūd & decimas prēd cū ptin sicut prēd est contra prēd A. & C. & hered & assign suos durand vitis ipsorum A. & C. & vita eor diutius viven Et p̄o hac &c.

Note, If a Tenant in Tail levy a *Fine sur Concessit* for Life with Proclamations, and the Tenant for Life die; in this Case the Bar of the Fine is determined, *Moo. Case* 1026.

Precipe and Concord with Exception.

PRecipe &c. Cōd &c. de Rectoria de A. cū ptin excepta Advocatione Vicar' Ecclesie de A. Et nisi &c.

Et

Et eſt Concordia talis ſcilt qđ prđs J. t
tog̃ Rectoriam prđc cum prtin̄ (excepț p
excepț) eſſe jus &c. Et ille remiſit. (&c
(excepț percepț) Et prœterea inem (&c.
concell. pro ſe (&c.) qđ ipſi warr̄ (&c.) R
toriam prędict cum pertin̄ (excepț prœ
cepț) &c.

Note, The only Court of *Weſtminſter* ſ
ſuing out Fines, is the Court of Comm
Pleas, and thither they muſt be certified.

Alſo by the Stat. 2 *E.* 6. *cap.* 28. Fines m
be levied in the County Palatine of *Cheſter*.

And by 37 *H.* 8. *cap.* 19. Of Lands in
County Palatine of *Lancaſter*.

And by 5 *Eliz. cap.* 27. Within the Cou
Palatine of *Dureſme* alias *Durham*.

And if any other Perſons, than ſuch as
before mentioned, ſhall take the Cognizance
or record Fines; or if they be levied in
other Court, or otherwiſe than as is before
forth, they will be void, or voidable at the I
for Error, 2 *Inſt.* 514, 515. Stat. 2 *E.* 6. *cap.*
37 *H.* 8. *cap.* 19. 5 *Eliz. cap.* 27.

See the divers Forms of Precipes and Co
tracts following.

Divi

Divers Forms of Concords.

By one to one of a Meſuage and Lands.

Wiltes' ſſ. PRecipe Willielmo Owen qđ juſte &c. teneat Samueli Potter Conventionem &c. de uno Meſuagio duobus Gardinis viginti Acris Terre decem Acris Prati & decem Acris Paſture cum pertin in S. Et niſi &c.

Et eſt Concordia talis ſcilt qđ predictus Willielmus recogn̄ predicta Tenementa cum ptin eſſe jus ipſius Samuelis ut ill̄e que idem Samuel habet de dono Pdicti Willi Et ill̄e remiſ & quiet clam̄ de ſe & heredibus ſuis Pdicto Samueli & heredibus ſuis imperpetuum. Et pterea idem Willus conceſſit pro ſe & heredibus ſuis qđ ipſi Mar pdicto Samueli & heredibus ſuis predicta Tenementa cum ptinenciis contra ipſum Willielmum & heredes ſuos imppetuum. Et pro hac &c.

If a Fine be levied *come ceo que ill' ad de ſon done*, hereby a Fee-ſimple will paſs without any word of Heirs; and ſo alſo it is in the Caſe of a Common Recovery, *Co. Lit.* 9.

By

By one to two of a Messuage, Lands and Common.

Hertf. ff. PRecipe Benjamino Thompson qd juste &c. teneat Henrico Joyce & Roberto Norris Conventionem &c. de tribus Mesuagiis quinq; Gardinis centū Acris Terre & ducentis Acris Bosci & Communia Pasture p omnimodis Averiis tum ptin̄ in P. & B. Et nisi &c.

Et est Concordia talis scilt qd pred Benjaminus recogn̄ pred Tenementa & Communiam tum ptin̄ esse jus ipsius Henrici ut ill̄ que idem Henricus & Robtus habent de dono predicti Benjamini Et ill̄ remisit & quiete clam̄ de se & heredibus suis predictis Henrico & Robto & heredib⁹ * ipsius Henrici imperpetuum Et pterea idem Benjaminus concessit p se & heredibus suis qd ipse warr predictis Henrico & Robto & heredibus ipsius Henrici predicta Tenementa & Communia tum ptin̄ contra ipsum B. & hered suos imperpetuum Et p hac &c.

* If the Cognizees be joynt Purchasers, it is said *haredibus suis* instead of the Heirs of one of them.

If a Fine be levied to two, *& hæredibus* without the word *suis*, this will be void for incertainty in a Fine as in a Deed, 37 *H.* 6. 5.

By

By two to two of a Mannor, Lands, Rent and Common, with Warranty againſt the Cognizors and the Heirs of one, to the Cognizees and the Heirs of one.

Somſet. ſ. Precipe T. L. Ar & W. M. Gen quꝫ juſte &c. teneant P. P. & S. D. Coupentionem &c. de Manerio de D. cum ptin ac de ſeptem Meſuagiis duobus Toftis uno Molendino duobus Columbar decem Gardinis quingent Acris Terre centum Acris Prati ducentis Acris Paſture viginti Acris Bolci centum Acris Bruere ducent Acr Boze quadraginta Acris Juncarie viginti Acris Marliti decem Acris Aluet duodecim Acris Rulcarie viginti ſolidat redd & Communia Paſture p omnimod averiis cum ptin in D. D. & D. Conſ &c.

Et eſt Concordia talis ſcilt qꝫ pdict T. & W. recogn̄ pdicta Manerium Tenementa redd & Communiam cum ptin eſſe jus ipſius P. ut ill̄ que iidem P. & S. habent de dono pdictorum T. & W. Et ill̄ remiſerunt & quietecland de ipſis T. & W. & heredibus ipſius T. pdat P. & S. & heredibus ipſius P. imppetuum Et preterea iidem T. & W. conceſſerunt p̄ro ſe & heredibus ipſius T. qꝫ ipſi warant pdictis P. & S. & heredibus ipſius P. pdicta Manerium Tenementa redd & communiam cum ptin contra ipſos T. & W. & hered ipſius T. imppetuum Et hac &c.

By two with several Warranties.

Et est Concordia talis scire qđ Pdict D. & R. recogn̄ Pdict Tenementa cum ptin̄ esse jus ipsius A. ut ill̄ que idem A. habet de dono Pdict D. & R. & ill̄ remiserunt & quiet. clam̄ de ipsis D. & R. & heredibus suis Pfat A. & hered̄ suis imppetuum. Et pterea idem D. concessit pro se & heredibus suis qđ ipse warr̄ Pdict A. & hered̄ suis Pdicta Tenementa cum ptin̄ contra ipsum D. & hered̄ suos imppetuum. Et insuper idem R. concessit pro se & heredibus suis qđ ipse warr̄ Pdict A. & heredibus suis Pdict Tenementa cum ptin̄ contra ipsum R. & hered̄ suos imperpetuum. Et p hac qđ.

Capt̄ & recogn̄ primo die Maii Anno Regni Regis Caroli scdi vicesimo tercio hoc Jo. Vaughan.

By Husband and Wife.

Berks. Precipe R. F. & A. uxori ejus qđ juste &c. teneant A. D. Conventionem &c. de duobus Pelagiis duobus Toftis quatuor Acris Terre &c. cum ptin̄ in C. Et alibi &c.

Et est Concordia talis scire qđ Pdict R. & A. recogn̄ Pdict Tenementa cum ptin̄ esse jus ipsius D. ut ill̄ que idem D. het de dono

Pdict

ꝓdict R. & A. Et ill remis & quiet clam de ipſis R. & A. & hered ipſius R. ꝓfat D. & hered ſuis imppetuum Et ꝓterea iidem R. & A. conceſſerunt ꝓ ſe & heredibus ipſius R. qꝰ ipſi war ꝓdict D. & heredibus ſuis ꝓdict Tenementa cum pertin contra ipſos R. & A. & hered ipſius R. imperpetuum Et ꝓ hac &c.

Of the Husband and Wife of the Wives Land.

Oxon ſi. PRecipe E. L. & M. uxori ejus qꝰ juſte &c. teneant S. L. Conventionem &c. de viginti & quatuor Acris Terre triginta Acris Boſci &c. cum ꝓtin in D. Et niſi &c.

Et eſt Concordia talis ſcilt qꝰ ꝓdict E. & M. recogn ꝓdict Tenementa cum ꝓtin eſſe jus ipſius S. ut ill que idem S. het de dono ꝓdict E. & M. Et ill remiſer & quiet clam de ipſis E. & M. & hered ipſius M. ꝓfat S. & hered ſuis imperpetuum Et ꝓterea iidem E. & M. conceſſerunt ꝓ ſe & heredibus ipſius M. qꝰ ipſi war ꝓdict S. & hered ſuis ꝓdict Tenementa cum ꝓtin contra ꝓdict E. & M. & hered ipſius M. imperpetuum Et ꝓ hac &c.

A Leaſe for Years by Fine *ſur Conceſſit.*

Buck. ſi. PRecipe T. W. qꝰ juſte &c. teneat G. R. Conventionem &c. Et eſt Concordia talis ſcilt qꝰ ꝓdict T. conceſſit

ꝑdict G. ꝑdict Tenementa cum ꝑtin̄ hend & tenend ꝑdict Tenementa eid̄ G. & assign̄ suis a Festo Sancti Michaelis Archi ultimo ꝓterito usq; finem & terminum viginti & unius annoꝝ extunc ꝓxꝰ sequen̄ & plenarie complend̄ reddend̄ inde annuatim toto termino ꝑdict ꝓfat̄ E. & hered̄ suis decem libras legalis monet Angl̄ ad Festum Annunciationis Beate Marie Virginis & Sancti Michaelis Archi ꝑ equas & equales ꝓrciones solvend̄ Et si contingat ꝑdict reddit̄ aretro fore in parte vel in toto post aliquod Festum Festoꝝ ꝑdict non solut̄ tunc licebit ꝑdict T. & heredibus suis in ꝑdicta Tenementa cum ꝑtin̄ intrare & distringere Districtiones; q; ibidem capt̄ abducere effugare & alpoꝛtare ac penes se retinere quousq; eis de ꝑdict reddit̄ & arreragiis ejusdem plenarie fuit satisfact̄ & solut̄ Et ꝓtea idem T. & hered̄ suꝰ warant̄ ꝑdict G. & Assign̄ suis Tenementa ꝑdict cum ꝑtin̄ contra ipsum T. & hered̄ suos toto termino ꝑdict Et ꝑ hac &c.

Quere if this will bar the Issue in Tail, *Plow.* 455. *Brook Fines* 116, 118.

Aliter.

The Lessee must acknowledge the Lands, &c. to be the Right of the Lessor, as that, &c. and then the Lessor must grant the same back again to the Lessee for the years agreed upon, reserving a Rent, with Clause of Distress, and Warranty in Form following:

Glouc'

Glouc' ff. PRecipe T. P. Gen & W. C. qđ juste &c. teneant J. W. & E. M. Com &c. Et est Concordia talis scilt quod pdict T. W. recogn pdict tenta cum ptin esse jus ipsius J. ut ilt que iidem J. & E. habent de dono pdict T. & W. Et ilt remiserunt & quiete clam de ipsis S. & W. & hered ipsius T. pfat J. & E. & hered ipsius E. imperpetuum Et preterea iidem T. & W. concesser pro se & hered ipsius T. quod ipsi warant pdict tenta cum ptin pfat J. & E. & hered ipsius J. contra omnes homines imperpetuum Et pro hac recognitione remissione quiete clam warantia fine & concordia iidem J. & E. concesser pfat T. pdict tenementa cum ptin & ilt ei reddider in eadem Cur habend & tenend pdict tenementa cum ptin pfat T. & assign suis a Festo, &c. (ut supra.)

Or thus to bind the Issue in Tail.

The Tenant in Tail and the Lessee to acknowledge the Lands, &c. to be the right of of a Stranger, as that, &c. And the Cognizee to grant and render the Lands to the Lessee for certain Years, yielding Rent with a certain Clause of Distress, and then grant the Reversion to the Tenant in Tail, (*Brook Fines* 118.) in form following:

South' ff. PRecipe C. C. Gen & R. B. quod juste &c. teneant P. M. Conventi-

ventionem &c. Et est Concordia talis scilt quod dict C. & R. recogn dict tenementa cum ptin esse jus ipsius H. ut ill &c. Et ill remiss &c. Et pro hac recogn &c. dict H. concessit pfat R. dict tenta cum ptin Et ill ei reddidit in eadem Cur habend & tenend dict tenta cum ptin pfat R. & assign suis a Festo &c. Reddend &c. Et si contingat &c. quouscq; &c. satisfact & solut Concessit etiam dict H. pfat C. tam reversionem dictorum tenementorum cum pertin quam dictum redditum duodecim librarum superinde reservat Et ill ei reddidit in eadem Cur habend tenend & pcipiend dict reversionem tenementorum dictorum cum ptin & redd dict pfat H. & hered suis imppetuum &c.

The like of Rent with *Nomine Pœnæ*.

Et si contingat dict redditum decem librarum aut aliquam inde pcellam arretro fore post aliquod festum Festorum dictorum non solut p spacium quadraginta dierum tunc dict R. forisfacier dict I. & T. & heredibus ipsius I. centum solidos Nomine Pene Et tunc bene licebit dict I. & T. & heredibus ipsius I. in dict tenta cum ptin intrare & distringere districtionesq; ibm capt abducere effugare & asportare ac penes se retinere quouscq; tam de dict redd decem librarum quam de dict pena centum solidorum Nomine Pene cum arreragiis eorund plenar fuit satisfact & psolut &c.

Clause

Clauſe of Re-entry cannot be in a Fine.

Warranties be ſometimes general, viz. contra omnes homines. Sometimes againſt all except ſome Perſons, ſometimes againſt ſome Perſons only, ſometimes againſt every Cognizor and his Heirs ſeverally, and ſometimes againſt one of the Cognizors and his Heirs only, &c.

From one and his Wife, to one of a Mannor, Meſſuages, Dove-houſe, Gardens, Orchards, Land, Meadow and Paſture, Wood, Furze and Heath, Common of Paſture and Turbary, Free Foldage, and View of Frank-Pledge.

Norff. ſſ. Præcipe A. D. alias A. Arm & Elizabethe uxori ejus quod juſte &c. teneant J. M. generoſo conventionem &c. de Maneriis de T. alis &c. ac de decem Meſuagiis uno Columbar decem Gardinis decem Pomariis mille Acris Terre viginti Acris Prati centum Acris Paſture centum Acris Boſci ducentis Acris Jampnorum & Bruere Communia Paſture pro omnimodis averiis Communia Turbarie Libertate Faldagii & Vic Franc Pleg cum pertin in T. alis &c. Et niſi &c.

Et eſt Concordia talis ſcilt quod dict A. & E. recognoverunt dict Maneria Tenementa Communias Libertat & Vic Franc pleg cum

ptiñ esse jus ipsius J. ut ill' que idem J. habet de dono predict' R. & E. Et illa remiserunt & quiete clamaverunt de ipsis R. & E. & heredibus suis pdict' J. & heredibus suis imppetuum Et pretea predict' R. & E. concesserunt pro se & hered ipsius R. qd ipse warr' pdicto J. & heredibus suis predicta Maneria Tenementa Communias Libertat & Vic' Franc' pleg' cum pertiñ contra predictos R. & E. & hered ipsius R. imperpetuum Et p hac &c.

Capt' & cognit' xxviii die Septembr'
Anno Regni Regis Caroli secundi
duodecimo coram
Robert Hyde.

From one and his Wife, to two, of Messuages, Cottages, Tofts, a Dove-house, Gardens, Orchards, Land, Meadow, Pasture, Wood, Furze and Heath, Rent, Court-Leet, and View of Frank-pledge, and of the Moiety of a Mannor, with Warranty against the Heirs of the Man.

Hereff. ff. PRecipe R. H. Generoso & Anne uxori ejus quod juste &c. teneant J. M. Gen & G. L. Gen Conventionem &c. de ter Messuagiis ter Cotagiis ter Toftis uno Columbar' duobus Gardinis duobus Pomariis trescentis Acris Terre centum Acris Prati ducentis Acris Pasture viginti Acris Bosci viginti Acris Turpiorum & Bruere viginti solidat' reddit' Cur' Let & Vic' Franc'

Franc' pleg cum ptin in parva E. als H. A. P. & H. ac de medietate Manerii de H. Et nisi &c.

Et est Concordia talis scilt quod pdict R. & A. recognoverunt pdict tenementa Cur' Let Vis Franc' pleg & medietatem pdictam cum ptinentiis esse jus ipsius J. ut ill' que iidem J. & G. habent de dono pdictorum R. & A. Et ill' remiserunt & quiete clamaver' de ipsis R. & A. & hered' suis pdict J. & G. & hered' ipsius J. imperpetuum Et pterea pdicti R. & A. concesserunt pro se & hered' ipsius R. quod ipsi war' pdictis J. & G. & hered' ipsius J. pdicta Tenementa Cur' Let Vic' Franc' pleg & medietatem pdictam cum ptin contra pdict R. & A. & hered' ipsius R. imppetuum Et p hac &c.

Capt & cognit (ut supra)

From one to two of Land, Meadow and Pasture with general Warranty.

Cantabr' ff. PRecipe J. H. Armigero quod juste &c. teneat T. C. Armigero & Jo. L. Clerico Conventionem &c. de triginta Acris Terre decem Acris Prati & decem Acris Pasture cum ptin in S. & F. Et nisi &c.

Et est Concordia talis scilt qd predictus A. recognovit pdicta tenementa cum ptin esse jus ipsius T. ut ill' que iidem T. & Jo. habent

habent de dono ꝓdicti Ja. Et ipſe remiſit q quiete clamavit de ſe & heredibus ſuis ꝓdic T. & Jo. & heredꝫ ipſius T. imppetuum Et ꝓterea ꝓdict Ja. conceſſit ꝓ ſe & heredibu ſuis qꝫ ipſi war' ꝓdictis T. & Jo. & hered ipſius T. ꝓdicta tenementa cum ptin contr ipſum Ja. & heredꝫ ſuos imppetuum Et p hac &c.

Capt & cognit (ut ſupra.)

From one and his Wife to one of a Manno Land, Meadow and Paſture upon a Gran for 99 Years without impeachment of Waſt rendring a Pepper-Corn, with Warrant againſt the Heirs of the Man.

Somſ. ſſ. Precipe R. B. & M. uroꝛi ej quod juſte &c. teneant E. B. A migero Conventionem &c. de Manerio de cum ptin ac de ducentis Arcis Terre tr ſcentis Acris Prati & ducentis Acris Paſtur cum ptin in M. Et niſi &c.

Et eſt Concordia talis ſcilt qꝫ ꝓdicti R. M. conceſſerunt ꝓdicto E. ꝓdicta Manerium & Tenementa cum ptin habendum & tene dum ꝓdicta Manerium & Tenementa cu pertin ꝓdicto E. a Feſto Sancti Michael Archangeli ꝓxꝫ ꝓterito uſqꝫ finem termi nonaginta & novem annoꝛum extunc ꝓx ſequen & plenar' complend abſqꝫ impet tione alicujus vaſti Reddend inde annuati ꝓdictis R. & M. & heredibus ipſius R. unu

Granum

Granum Piperis ad Festum Nativitatis Sancti Johannis Baptiste si petatur Et pred̄ R. & M. & hered̄ ipsius R. war pred̄ E. pdicta Manerium & Tenementa cum pertin̄ sicut predictum est contra predictos R. & M. & hered̄ ipsius R. toto termino predicto Et pra hac &c.

Capt & cognit (ut supra.)

From one and his Wife, to two, of the Moiety of a Moiety of twenty Acres of Meadow, and ten Acres of Pasture.

Civit' Coventr' ss. PRecipe Johanni Seller Generoso & Margarete ejus qd̄ juste &c. teneant H. L. & J. M. Conventionem &c. de medietate medietatis viginti Acrarum prati & decem Acrarum Pasture cum pertin̄ in Civitate Coventrie Et nisi &c.

Et est Concordia talis scilt qd̄ pdicti J. S. & M. recognoverunt pdictam medietat̄ cum pertin̄ esse jus ipsius H. ut illam quam iidem H. & J. M. habent de dono pdictorum J. S. & M. Et ilt remiserunt & quiet clam̄ de ipsis J. S. & M. & heredibus suis pfat H. & J. M. & hered̄ ipsius H. imperpetuum Et preterea iidem J. S. & M. concesserunt pro se & hered̄ ipsius J. qd̄ ipsi war pdictis H. & J. M. & hered̄ ipsius H. pdictam medietatem cum pertin̄ contra pdictos J. S. & M. & hered̄ ipsius J. ac contra hered̄ A. S. defunct matris ipsius

J. ac

J. ac W. S. defunct Avi ꝑdicti J. ac contra omnes alios clamantes per ꝑdictos J. S. & D. A. & W. aut eorum aliquem imꝑpetuum Et ꝑ hac &c.

Capt & cognit (ut supra.)

From one and his Wife, and two others, to one of a Mannor, Tenements, Rent and Common of Pasture.

Northt' ss. PRecipe J. G. Armigero & E. uxori ejus J. M. Generolo & R. C. Generoso quod juste &c. tenꝫ J. L. Militi & Baronetto Conventionem &c. de Manerio de R. cum ꝑtin ac de ter Messuagiis quatuor Cottagiis duobus Molendinis unu Columbar ter Gardinis ter Pomariis quadringentis Acris Terre viginti Acris Prati octoginta Acris Pasture quatuor Acris Bosci quadraginta Acris Jampnorum & Bruere quinquaginta solidat reddit reddit duor Caponum & Communia Pasture ꝑ omnimodis averiis cum ꝑtin in R. alias &c. S. H. J. & A. parva Et nisi &c.

Et est Concordia talis scilt quod ꝑdicti J. G. & E. J. M. & R. recogn ꝑdict Manerium Tenementa reddit & Communiam Pasture cum ꝑtin esse jus ipsius J. L. ut ill que idem J. L. habet de dono ꝑdictorum J. G. & E. J. M. & R. & ill remiserunt & quiete clamaverunt de ipsis J. G. & E. J. M. & R. & heredibus suis ꝑdicto J. L. & heredibus suis im-

imppetuum Et ꝓterea iidem J. G. & E. concesserunt ꝓo se & heredibus ipsius J. quod ipſi war ꝑdicto J. L. & heredibus suis ꝑdicta Manerium Tenta reddit & Communiam Pasture cum ptin̄ contra ꝑdictos J. G. & E. & hered ipsius J. imppetuum Et ulkius idem J. M. concessit ꝓo se & heredibus suis qꝫ ipſi war ꝑdicto J. L. & heredibus suis ꝑdicta Manerium Tenementa reddit & Communiam Pasture cum ptin̄ contra ꝑdictum J. M. & heredes suos imppetuum Et etiam idem R. concessit ꝓo se & heredibus suis qꝫ ipſi war ꝑdicto J. L. & heredibus suis ꝑdicta Mañium Tenta reddit & Communiam Pasture cum ptin̄ contra ꝑdictum R. & heredes suos imppetuum Et ꝓ hac ꝛc.

Capt & cognit ꝑ ꝑdictos J. G. & E. vicesimo ꝓximo die Januarii Anno Regni Regis Caroli scᵈi duodecimo cozam

G. P.
I. A.

Capt & cognit ꝑ ꝑdictos J. M. & R. C. ꝓximo die Febꝛuarii Año Regni Regis Caroli scᵈi tertio decimo cozam

T. G.
T. B.

} Per ſpec Medimus Poteſtatem Teſte 8 die Januarii Anno 12 Caroli ſecundi.

A Precipe of Stables (among other things.)

Midd' ff. Precipe Georgio Wright & Eliz
bethe uxori ejus qd̄ fuerint &c. te
neant Nobis Hozley Conventionem &c. d
duobus Mesuagiis tribus Stabulis & duob
Gardinis cum ptin̄ in Parochia Sancti Eg
dii in Campis Et nisi &c.

Et est Concordia talis scilt qd̄ ptict G
& G. recogn̄ ptict Tenementa cum pertin̄
esse jus &c. (ut supra.)

A Precipe of Rent issuing out of a Rectory.

London ff. Precipe E. D. vidue & J. B. & E
uxori ejus quod fuerit &c. ten
W. B. Cler̄ &c. de annuali redditu viginti
duarum libratarum exeun̄ de Rectoria Par
chie Sancti Buttolphi extra Aldgate cum p
tin̄ Et nisi &c.

Et est Concordia talis scilicet quod ptict
E. J. & E. recogn̄ ptict reddit esse jus &c. d
in ar.

Another of the same.

Lincoln ff. Precipe A. B. qd̄ fuerit &c. ten
J. C. Cler̄ &c. de annuali red
dit 6 l. 12 s. 8 d. exeun̄ de Rectoria de Hozle
ston̄ cum ptin̄ Et nisi &c.

A

A Precipe of Rent issuing out of divers Mannors.

Somers. ff. PRecipe H. S. quod juste &c. red. R. B. Com &c. de annuali redd. 13 l. 19 s. 8 d. exeun. de Maneriis de Walton Chedder & Sedwey cum pt̃in. Et nisi &c.

Of a Mannor, Tenements, Common of Pasture for all manner of Cattle, and of the Advowson of the Church of S. with Warranty against all Men.

Lincoln ff. PRecipe Rob. Thorowgood Generoso & Anne uxori ejus quod juste &c. teneant Richardo Wherbrook Conventionem &c. de Manerio de S. cum pt̃in. ac de duobus Mesuagiis septem Cottagiis uno Columbar. duobus Gardinis duobus Pomariis ducentis & viginti Acris Terre quadraginta & quinq; Acris Prati quinquaginta & quinq; Acris Pasture & Communia Pasture pro omnibus averiis cum pertin. in S. Acetiam de Advocatione Ecclesie de S. Et nisi &c.

Et est Concordia talis scilt. quod Predicti Robtus & Anna retogd. predict. Maneriu. Tenementa & Communiam Pasture cum pt̃in. ac Advocationem predictam esse jus ipsius Richardi ut ill. que idem Richardus habet de dono Predictorum Roberti & Anne Et ill. remiserunt

miserunt & quiete clamaverunt de se & hæredibus suis ꝓdicto Richardo & hæredibus suis imppetuum Et ꝓterea iidem Robertus & Anna concesserunt ꝓo se & hæredibus ipsius Anne qđ ipsi war' ꝓdicto Richardo & hæredibus suis ꝓdicta Maneriꝫ Tenementa & Communiam Pasture cum ꝑtiñ ac Advocatione ꝓdictam contra omnes homines imppetuum Et ꝓ hac &c.

Capt & cognit' nono die Febr̃uarii
Anno Regni Regis Caroli ſcdi
decimo ſcdo coram me
Orl. Bridgman.

Of a Mannor, Scite of a Mannor, Tenements, Court-Leet, Court-Baron, View of Frank-Pledge, Rectory, and of all manner of Tythes, Oblations, Obventions, Pensions and Portions belonging to the said Rectory, and of the Advowson of the Vicaridge of the Church of T. from four to one, with Wartanty by the first Cognizor against all Men, by the second against him and his Heirs, and by the two last being Husband and Wife, against them and the Heirs of the Wife.

Cantabr' ff. PRecipe R. C. Armigero E. C. ſacre Theologie Doctoꝛi & E. C. Armigero & M. uxoꝛi ejus quod juſte &c. teneant G. D. Militi Conventionem &c. de Manerio de E. H. cum ꝑtiñ ac de Scitu Manerii de E. H. cum ꝑtiñ acetiam de viginti Messuagiis quinque Cottagiis viginti

Gardinis

Gardinis viginti Pomariis septingentis Acris Terre centum Acris Prati quadringentis sexaginta & quatuor Acris Pasture quinquaginta Acris Bosci Cur Let Cur Baron & Uis Franc pleg cum pti in E. H. S. G. H. E. L. & P. Ac de Rectoria de L. cum pti Ac de omnibus & omnimodis decimis Oblationibus Obventionibus Pensionibus & Portionibus eid Rectorie spectan sive ptinen Aertiam de Advocatione Vicarie Ecclesie de L. Et nisi &c.

Et est Concordia talis scilt qd ptict R. E. & E. & H. recogn ptca Mañia Scitu Tenementa Cur Let Cur Baron Uis Franc pleg Rectoriam Decimas Oblationes Obventiones Pensiones & Portiones cum pti ac Advocationem ptict esse jus ipius G. ut ill que idem G. habet de dono ptictorum R. E. & E. & H. Et ill remiserunt & quiete clamaverunt de se & heredibus suis ptcto G. & heredibus suis imppetuum. Et pter ea idem R. concessit pro se & heredibus suis qd ipse war ptcto G. & heredibus suis ptca Mañium Scitu Tenementa Cur Let Cur Baron Uis Franc pleg Rectoriã Decimas Oblationes Obventiones Pensiones & Portiones cum pti ac Advocationem ptictam contra omnes homines imppetuum. Et ultius idem E. concessit pro se & heredibus suis qd ipse war ptcto G. & heredibus suis ptca Mañium Scitum Tenementa Cur Let Cur Baron Uis Franc pleg Rectoriã Decimas Oblationes Obventiones Pensiones & Portiones

tiones cum ptin̄ ac Advocationem ꝓdictam contra ꝓdictum E. & hereves suos impetuum Et etiam idem E. & M. concesserunt p se & heredibus ipsius M. quod ipſi nec ꝓdict E. & heredibus suis ꝓdicta Mañium Scitum Tenemēta Cur Let Cur Warod Vis Franc plej Rectoꝛiā Decimas Oblationes Obuen siones Pensiones & Porciones cum ptin̄ ac Advocationem ꝓdictam contra ꝓdictos E. & M. & hereves ipsius M. imppetuum Et pꝛ hac &c.

Capt & roguit quinto die Februarii
Anno Regni Regis Caroli secundi
Octodecimo coram me
R. Hide.

Per commiss Teste 24
Jnd ejusdem Regis 12

A Precipe of Mannors, Messuages, Cottages, Water-Mill for Grain, Dove-houses, Gardens, Orchards, Land, Meadow, Pasture, Wood, Furze and Heath, Moor, *Land covered with Water*, Rent and Common of Pasture.

Staff. ff. PRecipe F. E. Armigero qꝺ juste &c. teneat J. M. Geñoso Conventionem &c. de Mañiis vꝺ B. & M. cum ptin̄ ac de triginta Messuagiis decem Cotagiis uno Molendino Aquatico Gyanatico duobus Columbar triginta Gardiniis triginta Pomariis duabus mille Acris Terre ducentis Acris Prati quingentis Acris Pasturæ trescentis

trescentis Acris Bosci mille Acris Jampnoꝝ & Bruere mille Acris Moꝛe decem Acris Terre Aqua coopte seraginta solidat Redd & Communia Pasture pꝛo omnibus aueris cum ptiñ in Biddulph Oderton Over Biddulph Nether Biddulph Rushton Rushton Grange Stoke & Burslem Et nisi &c.

Et est Concoꝛdia talis scilt quod pdictus F. recogñ pꝛedicta Maneria Tenementa & Communiam Pasture cum ptiñ esse jus &c.

Capt & cognit &c.

A Precipe of Mannors, Messuages, Tofts, a *Wind-Mill*, Dove-houses, Gardens, Land, Meadow, Pasture, Wood, Furze and Heath, and of a Rectory and an Advowson.

Lincoln ss. PRecipe J. L. Pilici & W. L. Armigeꝛo quod juste &c. teneant G. L. Gonosto Mania de H. alias &c. & S. cum ptiñ ac septuaginta & novem Messuagia Tria Tofta unum Molendinum Wentriticum underim Columbar nonaginta Gardina duas mille quingentas & quadꝛaginta Acras Terre sexcentas Acras Pꝛati mille & seraginta Acras Pasture trescentas & quinquaginta Acras Bosci & centum Acras Jampnoꝝ & Bꝛuere cum pertiñ in Hondington alias Hunnington Somerby Coringham Springthoꝛpe Gainesboꝛough alias Gainsburgh Wheatburgh alias Wheatburgh & Magna Coꝛingham Acriam Re-

ctoziam de Honnington alias Hunnington cum pertiñ Necnon Advocationem Vicarie Ecclesie de Honnington alias Hunnington Et nisi &c.

Et est Concordia talis scilt quod predicti J. & W. recognit predicta Maneria Tenementa & Rectoziam cum pertiñ ac Advocationem p̃dictam esse jus &c.

Capt & Cognit &c.

Precipe and Concord where one Cognizor warrants one part, another warrants another part, and a third another part.

Midd. ff. Precipe A.B. Gen & C. ux. ejus D.E. Gen & F. ux. ejus G.H. Gen & J. ux' ejus qd̃ juste &c. teñ L.M. Ar Conventionem &c. de tribus Messuag̃ tribus bozatis tribus gardiniis uno pomario quinquaginta acris terre decem acris prati triginta acris pasture & decem acris bolci cum pertiñ in N.P. & S. Et nisi &c.

Et est Concordia talis scilicet qd̃ pred̃ A. & C. D. & F. G. & J. recognit pred̃ tenementa cum pertiñ esse Jus ipsius L. ut ill̃ que idem L. habet de dono pred̃ A. & C. D. & F. G. & J. Et ill̃ remiss & quiet clam̃ de ipsis A. & C. D. & F. G. & J. predict L. & heredibus suis imperpetuum Et preterea iidem A. & C. concedet p̃ se & hered ipsius A. quod ipsi warrant unu messuagium unu bozat & unu gardinum

parcel

parcel tenementorum prēd in M. prēd ꝑfat L. & heredibus suis contra prēd A. & C. & hered ipsius A. imperpetuum Et etiam iidem D. & F. concess ꝑ se & heredibus ipsius D. qđ ipsi warrant alterum Messuagium unum horreum unum gardinū & prēd pomariū & prēd quinquaginta acr terre decem acr prati triginta acr pasture & decem acr bosci. parcel tenementorum prēd in P. prēd ꝑfat L. & heredibus suis contra ipsos D. & F. & hered ipsius D. imperpetuum Et ulterius iidem G. & J. concesser ꝑ se & hered ipsius G. qđ ipsi warrant unū Messuag unū horreū unū gardinū reliq tenementorum prēd in S. prēd ꝑfat L. & heredibus suis contra prēd G. & A. & hered ipsius G. imppetuum Et pro hac &c.

The Form of a Fine levied by Tenants for Life of their Terms. *Sur Conceſſit.*

Midd. ff. PRecipe A. B. & C. ux' eius qđ iuste &c. teneant D. E. Conventionem &c. de uno messuagio centum acr terre seraginta acr prati octoginta acr pastur centum acr bosci centum & viginti acr sampnorum & bruere & communia pasture ꝑ omnibus averiis cum pertin in F. Et nisi &c.

Et est concordia talis scilicet qđ prēd A. & C. concesser ꝑfat D. prēd Tenementa & communi pastur cum pertin ac totum & quicquid iidem A. & C. in prēd tenementis

communia pastur cum pertin ad termin vite ipsor A. & C. & eor alterius diutius viven habent &c ill eid D. in eadem Cur redd'er habend & tenend eidem D. tota vita ipsor A. & C. & eor alterius diutius viven &c pred A. & M. warrant pfat D. pred tenementa & communiam pastur cum pertin sicut pred est contra pred A. & C. tota vita ipsor A. & C. & eor alterius diutius viven &c & p hac &c.

Fine of a Manor in Possession and other Lands in Reversion.

Et est Concordia talis fcitur qd pred A. recogn (&c.) esse Jus ipsius F. de quibus idem F. habet pred Manerium cum pertin duo messuag cum pertin in S. parcel tenementor pred de dono pred W. & ill remisit (&c.) Et concessit p se & hered suis qd duo mess. cum pertin in R. pred resid tenement pred que A. M. vid tenet ad term vite sue de hereditate &c. post decessum ipsius A. M. integre remanc pfat F. R. & hered suis renend simul cum pred maneriis & tenement parcel que ei per finem fuitum remanc de capitalibus dominis &c. Et pred W. M. & hered sui warrant pfat F. & hered suis maneria & tenementa cum pertin sicut dictum est contra omnes homines imperpetuum Et p hac &c.

From

From a Baron (and his Lady) to a Duke, of a Mannor, Tenements, Rent, Common of Pasture, Free Warren, View of Frank Pledge, Fishing and an Advowson, with Warranty against the Heirs of the Baron.

Ebor' ss. PRecipe T. F. Militi Domino F. Baroni de C. infra Regnum Scotie & A. uxori ejus qũ juste &c. teneant G. Duci de A. conventionem &c. de manerio de S. super D. cum pertiñ & de triginta & septem Mesuagiis tribus toftis tribus molendinis aquaticis triginta & sex gardinis trigiuta & quinq; pomariis sexcentis & quinq; acris terre trescentis & octoginta acris prati mille trescentis & octo acris pasture centum acris bosci decem solidat' redditꝰ Communia pasture libera warenna & hiis Franc' Pleg cum pertiñ in S. super D. C. & E. Acetiam de libera Piscaria in aqua de D. Necnon de Advocatione Ecclesie de S. sup D. Et unde &c.

Et est Concordia talis scilicet quod pd T. & A. recogn̄t predict Manerium Tenementa redditꝰ Communiam Pasture Warrennam hiis Franc' Pleg & Piscariam cum pertiñ ac Advocationem predictam esse Jus ipsius Ducis Ut ill̄ que idem Dux habet de dono pdictorum T. & A. Et ill̄ remiserunt & quiete clamaverunt de se & heredibus suis predicto Duci & heredibus suis imperpetuum Et preterea idem T. & A. con-

cesserunt p se & heredibus ipsius T. quod ipsi war' predicto Duci & heredibus suis p̃ dicta Manerium Tenementa reddit Communiam pasture Warennam Vis Franc Plegꝫ & Visuariam cum pertiñ ac Advocationem predictam contra predictos T. & A. & heredes ipsius T. imperpetuum Et p̃ hac &c.

Capt & cognit &c.

Of a Moiety of two Messuages, a Dove-house, two Gardens, two Orchards, and of divers quantities of Land, Meadow, Pasture, Wood, Furze and Heath, and of the Moiety of a Moiety of a Mannor.

Leic' ff. Precipe Thome Milton qꝺ juste &c. teneat Christophero Park Armigero & Thome Stamp Conventionem &c. de medietate duorum Messuagiorum unius Columbar duorum Gardinorum duorum Pomariorum viginti acrarum terre centum & viginti acrarum prati quadringintarum acrarum pasture quindecim acrarum bosci & sexaginta acrarum Jampnorum & huere cid pertin in Keythorpe Tugby alias Tokeby & Goadby Ac de medietate medietatis Manerii de Keythorpe cum ptin Et nisi &c.

Et est Concordia talis scilt qꝺ Doick Thomas Milton recogn̄ p̃ medietates cum pertin esse Jus ipsius Christoferi ut ill' que iidem Christoferus & Thomas Stamp habẽt

de

de dono ꝓdicti Thome Willson Et ill̃ remisit & quiete clamavit de se & heredibus suis ꝓdictis Chriſtofero & Thome & heredibus ipsius C. imperpetuum Et ꝓterea idem Thomas Willson concessit ꝓ se & heredibus suis qꝺ ipsi war̃ ꝓdictis Chriſtofero & Thome Stamp & heredibus ipsius Chriſtoferi ꝓdictas medietates cum pertin̄ contra ꝓdict Thomam Willson & heredes suos imperpetuum Et ꝓ hac &c.

Capt & cognit̃ vicesimo die Februarii Anno Regni Dñi Caroli secundi nunc Regis Anglie &c. tertiodecimo coram me

Orl. Bridgman.

Of a Meſſuage in *London* from two (*viz.* a Man and his Wife) to one with Warranty againſt the Heirs of the Husband, and againſt the Heirs of his Father and Grandfather, and againſt all other claiming by him, his Father and Grandfather, or any of them.

London ſſ. PRecipe J. R. Militi & Baronet & S. uxori ejus qꝺ juſte &c. teneant E. D. Conventionem &c. de uno Meſſuagio cum pertin̄ in Parochia ſancti Benedicti alias ſancti Benetti Gracechurch Et unde &c.

Et eſt Concorda talis ſcilt qꝺ ꝓd̃ J. & S. recognit ꝓd̃ Meſſuag cum pertin̄ eſſe Jus ipsius E. ut ill̃ qꝺ ipſe E. habet de dono ꝓdictor̃ J & S.

&. Et illud remiserunt & quiete clamave-
runt de se & heredibus suis ꝑdicto E. & hered
dibus suis imꝑpetuum Et ꝑterea tidem J.
&. concesserunt ꝑ se & heredibus ipsius J.
ipsi war ꝑdict E. & heredibus suis ꝑdict
Messuagium cum ꝑtin contra ꝑdictos J. &
& heredes ipsius J. ac contra heredes J.
Militis & Baronet patris ꝓdicti J. & J.
Armigeri avi ꝑdicti J. defunctorum ac co
tra omnes alios clamantes per predictos
J. & J. aut eorum aliquem impetuum
ꝑ hac &c.

Capt & cognit ut supra.

Of certain Messuages and fresh Marsh; A Rec
ry, and all manner of Tythes, Oblation
Obventions, Portions and Emoluments ther
unto belonging. And of the Advowson
a Vicaridge.

Lincoln' ff. ꝑRecipe E. B. Armigero qu
juste &c. teneat T. B. gen
roso Conventionem &c. de octo Messuagiis
mille ducentis acris Marisci Fresci cum
tin in Mainflet sancte Marie Ac de R
roria de Mainflet Sancte Marie cum
tin Necnon omnibus & omnimodis De
mis Oblationibus Obventionibus Por
nibus & Emolumentis quibuscunq; ꝓveni
crescen seu renovan de & in Mainflet S
Marie & Rectorie de Mainflet Scte Marie
spectan sive ꝑtinen Acetiam de Advocation
Ecclesie de Mainflet Scte Marie Et nisi

Et est Concordia talis scilt qd Positus E. cognd prista Tenementa Rectoriam Decimas Oblationes Obventiones Portiones & emolumenta cum pertin ac Advocationem vicam esse jus ipsius T. ut ill que idem T. habet de dono predict E. Et ill remisit & quiete clamavit de se & heredibus suis predto T. & heredibus suis imperpetuum Et insuper eadem E. concessit pro se & heredibus suis quod ipsi war predicta T. & heredibus suis predicta Tenementa Rectoriam Decimas Oblationes Obventiones Portiones & emolumenta cum pertin ac Advocationem vicam contra Posit E. & heredes suos imperpetuum Et p hac &c.

Cept & cognit ut supra.

A Messuage, 2 Gardens, an Orchard, certain Land, Meadow, Pasture and Wood, The first Vesture of 31 Acres of Meadow, and Common of Pasture for 16 Cattle and 700 Sheep.

Hilts' ff. PRecipe Ml. B. generosu & M. uxori ejus qd juste &c. teneant M. Generosu Conventionem &c. de uno Messuagio duabus Gardinis uno Pomario trecentis & octoginta Acris Terre triginta sex Acris Prati trecentis & triginta Acris Pasture viginti & duabus Acr' Bosci Prime Vestura triginta & unius Acr' Prati & Communia Pasture p servecem Averiis & septingentis Ovibus cum pertin in Blatton & Westbury Et nisi &c. Et

Et est Concordia talis scilt qd dict
& R. recogn dicta Tenementa Pastura
Communiam Pasture cum pertin esse
ipsius J. ut ill que idem J. habet de d
dictorum W. & R. Et ill remiserun
quiete clamaverunt de se & heredibus
sius W. dicto J. & heredibus suis imper
tuum Et preterea iidem W. & R. con
serunt p se & heredibus ipsius W. quod
Mar dicto J. & heredibus suis dict
nementa Pasturam & Communiam Pas
cum ptin contra dictos W. & R. & her
ipsius W. imppetuum Et p hac &c.

Capt & cognit &c. ut supra.

From two Cognizors to one Cognizee, of
tain Tenements and Common of Pasture
Cattle *sans* number, with Warranty aga
the first Cognizor and his Heirs, and ag
the Heirs of his Father, Grandfather, G
Unkle and Great Grandfather, and against
others claiming by them or any of them.

Ebor. ss. PRecipe J. K. Baront & S. u
ejus quod juste &c. teneant J
Militi & Baronet Conventionem &c. de q
que Vesuagiis quinque Gardinis centum
cris Terre decem Acris Prati triginta
Pasture & Communia Pasture p omnimo
Averiis cum ptin in Bently Arkley Sto
bridge & Marr Et nisi &c.

Et est Concordia talis scilt quod ꝑdicti J. & S. recogn̄t ꝑdict Tenementa & Communiam Pastur cum ꝑtin̄ esse Jus ipsius J. L. ut ill̄ que idem J. habet de dono ꝑd̄ J. R. & Et ill̄ remiserunt & quiete clamaverunt de se & hered̄ ipsius J. R. ꝑdict J. L. & hered̄ suis imppetuum Et ꝑterea iidem J. R. & S. concesserunt p se & hered̄ ipsius J. R. qd̄ ipsi & ꝑdict J. L. & hered̄ suis ꝑd̄ Tenementa Communiam Pastur cum ꝑtin̄ contra ꝑdict J. R. & S. & hered̄ ipsius J. R. Ac contra hered̄es J. R. Militis & Baronet defuncti pro his ꝑd̄ J. Ac contra hered̄ J. R. Armig̃ defunct Avi ꝑd̄ J. Ac contra hered̄ G. R. Gen̄ ꝓoavunculi ꝑd̄ J. Ac contra hered̄ R. R. defunct Ꝓoavi ꝑd̄ J. Ac contra omnes alios clamantes p ꝑd̄ J. R. J. R. J. R. & G. R. aut ꝓ aliquem imppetuum Et p hac &c.

Capt & cognit &c. ut supra.

From four Cognizors to one Cognizee of divers Mannors, the Scites of two dissolved Monasteries, of divers Mesuages, Cottages, Tofts, a Wind-mill for Grain, certain Gardens, Orchards, Land, Meadow, Pasture, Wood, Furze and Heath, Marsh, Common of Pasture for all manner of Cattle, free-Fishing, Courts Leet, Courts Baron, and View of Frank-Pledge.

Lincoln. ff. PRecipe F. Domino W. de P. W. B. Armigero & F. uxori ejus & C. W. qd̄ juste &c. ten̄ C. T. Conventionem &c. de Manerijs de B. & S. T. B. &

Y.

y. alias &c. cum priñ . Ac de scitubus
Monasterior de Kardney & Tupholme
priñ Nerwon de septuaginñ & tribus
agiis octoginta & quatuor Comgiis qui
tim Tostis uno Molendino ventritico se
aginta & tribus Gardinis septuaginta &
bus Pomariis duabus mille & trescentis
cris Terre quingentis Acris Pasti mill
trescentis Acris Pasture centum & nona
ta Acr Bosci mille & quingentis Acr Ja
nozum & Bynere septingentis & quinqua
ta Acris Maritci Communia Pasture p
nimalis Averiis libera Piscaria in Aqua
Witham Cur Let Cur Borsid &
Franc Pleg cū pertiñ in B. N. B. M.
& W. Et nili &c.

Et est Concordia talis scilt qō Poick
W. & F. & E. recogniū Poick Maneria S
Tenementa Communiam Pasture Pisc
Cur Let Cur Baron & Wis Franc P
cum priñ esse Jus ipsius E. ut ille que
E. habet de dono Pictorum F. W. & F
E. Et ille remiserunt & quiete clamaver
de se & heredibus suis Poick E. & heredi
suis imppetuum Et preterea idem F.
cessit pro se & heredibus suis qō ipse
predicto E. & heredibus suis predicta Man
Scil Tenementa Communiam Pastur
cariam Cur Let Cur Baron & Wis Fra
Pleg cum priñ contra predictum F. & h
des suos imperpetuum Et ulterius id
W. & F. concesserunt pro se & heredibus
ius F. qō ipse war predicto E. & heredi
su

Cuis ꝓdicta Maneria Scil' Tenementa Communiam Pasture Piscariam Cur' Let' Cur' Baron' & Alis Franc' Pleg' cum ptin' contra ꝓdict' W. & F. & heredes ipsius F. imppetuum Et etiam eadem E. concessit ꝓd' se & heredibus suis qd ipse Warr' ꝓdict' E. & heredibus suis ꝓdict' Maneria Scil' Tenementa Communiam Pastur' Piscariam Cur' Let' Cur' Baron' & Alis Franc' Pleg' cum ptin' contra ꝓdictam E. & heredes suos imppetuum Et ꝓ hac &c.

Capt' & cognit' &c. ut supra.

Of divers Mannors, Messuages, Cottages, Gardens, Orchards, Land, Meadow, Pasture, Wood, Furze and Heath: As also of a Chapel, and the Advowson of two Churches.

Essex' ss. PRecipe E. Y. Militi qd' juste &c. tenl' J. P. Gen' Con' &c. de Maneriis de H. W. alias C. G. F. R. alias &c. W. alias S. cum ptin' Ac de viginti & novem Messuagiis treidecim Cotagiis triginta & sex Gardinis triginta & sex Pomariis mille quingentis & quinquaginta Actis Terr' centum triginta & quinq; Actis Prati mille Actis pasture trescentis Actis Jampnor & Bruere cum ptin' in Hemstead alias Hemsted Sampsor magna Sampsor parva Wymbish Steeple Bumpsted alias Steeple Bumpsted Bumpsted St. Hellens Finchingfield Rayminter Ashton Barkstowe & Steeple Bumpsted Necnon de Capella de Hamsted cum

pertin'

pertin' Acetiam de Advocationibus Eccle
arum de Sampford magna & Hempstev
nisi &c.

Et est Concordia talis scilt qd pdict E. re
cogn pdict Maneria Tenement & Capella
cum ptin ac Advocationes pdict esse jus
ius J. ut ilt que idem J. habet de dono
E. Et ilt remisit & quiete clamavit de se
heredibus suis pdict J. & heredibus suis in
ppetuum Et preterea idem E. concessit p
se & heredibus suis qd ipsi war pdict J.
heredibus suis predict Maneria Tenemen
ta & Capellam cum ptin contra predictu
E. & heredes suos imperpetuum Et p
hac &c.

Capt & cognit &c. ut supra.

From three Cognizors (whereof the two fi
are Earls) to one Cognizee with Warrant
by the first Cognizor against him and h
Heirs, and against the Heirs of his Fathe
Mother and Grandmother, and of anoth
person, deceased; and against the two oth
Cognizors and their Heirs, and against
others claiming by them or any of them.

Wiltes' ss. Precipe W. Comiti W. J. Com
ti C. & T. A. Armigero qu
juste &c. ten J. S. Generoso Convention
&c. de uno Messuagio uno Cotagio duobu
Gardinis duobus Pomariis triginta & n
vem Acris Terre tredecim Acris Pasc
ten

cem & septem Acris Pasture & Communia Pasture pro omnibus Averiis cum pertin' in S. alias &c. Et nisi &c.

Et est Concordia talis scilt quod predicti Comes Comes & T. recogn' predicta Tenementa & Communiam Pasture cum pertineñ esse Jus ipsius J. S. ut illa que idem J. habet de dono predictorum Comitis Comitis & T. Et illa remiserunt & quiete clamaverunt de se & heredibus suis predicto J. S. & heredibus suis imperpetuum Et preterea idem Comes W. concessit pro se & heredibus suis quod ipsi war' predicto J. S. & heredibus suis predicta Tenementa & Communiam Pasture cum pertineñ contra predictum Comitem & heredes suos Ac contra heredes F. Comitis W. & Y. uxoris ejus Patris & Matris predicti Comitis G. Y. Avis predicti Comitis & Y. S. Militis defunctorum ac contra predictum Comitem C. & T. & heredes suos ac contra omnes alios clamantes per predictos Comitem Comitem & Y. G. Y. Comitem & T. aut eorum aliquem imperpetuum Et ulterius idem Comes concessit pro se & heredibus suis quod ipsi war' predicto J. S. & heredibus suis predicta Tenementa & Communiam Pasture cum pertinentiis contra predictum Comitem & heredes suos imperpetum Et etiam idem T. concessit pro se & heredibus suis quod ipsi war' predicto J. S. & heredibus suis predicta Tenementa & Communiam Pasture cum prtin'

contra predictum T. & heredes suos imper-
petuum Et pro hac &c.

Capt & congnit p dictos Comitem W. & Comitem C. 28 die Junii Anno Regni Regis Caroli secundi 13 coram nobis
H. A.
G. T.
Per Deu Potestat
Teste 27 die Ju
nii Anno 13 supra
dicto.

Capt & cognit p dictum T. primo die Julii Anno Regni Regis Caroli secundi 13 coram
J. S.
J. D.

From Husband and Wife Cognizors to on
Cognizee of the yearly Rent of six Pound
and a Mark, issuing out of several Messuage
in *London*; being a Fine *sur concessit* fo
ninety nine years (if the Wife shall so lon
live.)

London ss. Precipe Willo Pierlon & Eli
zabethe uxori ejus quod just
&c. ten Roberto Smith Armigero Conven
cionem &c. de Annuali Reddit. sex Libra
tresdecim Solidor & quatuor Denariorum
exeun de quatuor Mesuagiis cum pertinen
in Parochia Sancti Johannis Evangelist
Et nisi &c.

Et est Concordia talis scilt quod predict
Willis & Elizabetha concesserunt predict
Roberto

Robto ꝑdict Redditum habend & ꝓcipiend ꝑdict Redditum eidem Robto a Festo Sci Michaelis Archangeli ult ꝓxim usq; finem termini nonaginti & novem annoꝝ extunc ꝓxꝰ sequen & plenarie complend (si ꝑdict Elizabetha tamdiu vixerit) Et ꝑdict Willielmus & Elizabetha uxr ꝑdict Robto ꝑdict Redditum sicut ꝑdict est contra ꝑdict Willielmum & Elizabetham toto termino ꝑdict (si ꝑdicta Elizabetha tamdiu vixerit) Et ꝓ hac &c.

Capt & cognit, ut supra.

A Fine levied upon three Writs of Covenant, viz.

1. Of divers Honors, Caſtles, Mannors, Parks, ſeveral Meſſuages, Cottages, Mills, Dovehouſes, certain Land, Meadow, Paſture, Wood, Furze and Heath, Mariſh Ground, of Rent, of Common of Paſture, View of Frank-Pledge, and whatſoever belongs thereto, Knights Fees, Wards, Marriages, Eſcheats, Waifs, Eſtrays, Goods and Chattels of Felons, Fugitives and Out-laws, Perſons attainted, Felons de ſe, Deodands, Treaſure-trove, Fairs, Markets, Wrecks of the Sea, Free Warren, Free Fiſhing in the Waters of *D. H.* and *T.* of the Advowſon of the Church of *B. P.* as alſo of the Moiety of the Mannor of *H.* and of the Knights Fees, Wards, Marriages, Eſcheats, Waifs, Eſtrays, Goods and Chattels of Felons, Fugitives and Out-

laws, and Persons attainted, Fairs, Markets, Wrecks of the Sea, and Free Warren in *H.* and of the fourth part of the Hundred of *H.* as also of the eighth part of a Barn in *D.* in the County of *Devon.*

2. Of a Mannor, several Messuages, Cottages, Corn Mills, a Dove-House, several Gardens, Orchards, great quantities of Land, Meadow, Pasture, Wood, Furze and Heath, and 60 *s.* Rent in *M.* &c. in the County of *Wiltes*, &c.

3. Of Land, Meadow, Pasture, Furze and Heath in *M.* &c. in the County of *Somerset.*

Devon ss. Plecipe E. S. Baronetto & A. uxori ejus E. S. Armigero filio & heredi apparen ptdcti E. & Y. uxori ejus & E. S. qd fuke &c. teneant R. C. Generoso & G. L. Geñoso Conventionem &c. de Honoribus de T. & B. P. cum ptin Ac de Castris de T. & B. P. cum ptin Ac de Mañiis de T. & B. P. cum ptin Necnon de Parcis de T. & B. P. cum ptin Acetia de nonaginta Messuagiis quadraginta Cotagiis quinq Molendinis duobus Columbar mille & ducentis Acris Terre quingentis Acris Prati octingentis Acris Pasture ducentis Acris Bosci quadringentis Acris Jampnorum & Bruere centum Acris Marisci viginti Libat Reddit Communia Pasture Uis Franc pleg & quicquid ad Uis Franc pleg ptinet Feod Milit Wardis Maritagiis Eschaetis bonis & catallis Waviat extrahur

bonis

bonis & catallis Felonum Fugitivorum Utlagatorum Attinctorum Felonum de se Deodand Thesaur' invent' Feriis Mercatis Mzecco Paris & libera Warrena cum ptin' in Totnes Bury Pomeroy Bzidge Town Pomeroy Netherton Longetombe parva Hempston Iplepen Alton alias Affeton Lodelwell Huishe & Denbury Ac de libera Pilcaria in Aquis de Darte Husburne & Totnes Necnon de Advocatione Ecclesie de Bury Pomeroy Acetiam de medietate Pañii de Hurberton alias Harberton cum ptinentiis & feod Militum Wardorum Maritagiorum Escaet bonorum & catallorum waviat extrahur' bonorum & catallorum Felonum Fugitivorum Utlagatorum Attinctorum Feriarum. Mercatorum Wrecc' Paris & libere Warenne cum ptin' in Hurberton alias Herberton Ac de quarta pte Hundredi de Heytor cum ptin' Necnon de octava pte unius Horrei cum pertin' in Denburie Et nisi &c.

Wiltes' ss. PRecipe eisdem quod juste &c. teneant eisdem Conventionem &c. Pañio de Hayden Bzadley cum ptin' Ac de quinquaginta & quinqz Weluagiis decem & octo Cotagiis duobus Molendinis Gzanaticis uno Columbar' septuaginta Pomariis quadzingentis Acris Terre centum Acris Pzati sexcentis Acris Pasture quadzingentis Acris Bosci quingentis Acris Jampnorum & Bzuere & sexaginta solidat Reddit' cum ptin' in Hayden Bzadley Horningesham & Baycliffe Et nisi &c.

Somerſ. ſſ. PRecipe eiſdem quod juſte ꝛc. teneant eiſdem Conventionem ꝛc. de octoginta Acris Terre viginti Acris Paſture & viginti Acris Jampnorum & Bruere cū ptiñ in Hayden Bradley Horningeſham Haycliff & Yarneſeild Et niſi ꝛc.

Et eſt Concordia talis ſcilt quod ꝑdictus Edwardus & Anna Edwardus & Margareta & Elizabetha recognoverunt ꝑdicta Honores Caſtra Mañia Parcos Tenementa Reddit Communiam Paſture Uiis Franc plegiū Feodi Milit Wardi Maritagii Eſcaet bona & catalla waviat extrahur bona & catalla Felonum Fugitivorum Utlagatorum Attinctorum Felonum de ſe Deodanū Theſaur inveñt Ferias Mercat Wreccum Maris Warennam Piſcariam Vedietatem & Partes cum ptiñ Ac Advocationem ꝑdictam eſſe jus ipſius Robti ut ilt que iidem Robtus & Georgius habent de dono ꝑdictorum Edwardi & Anne Edwardi & Margarete & Elizabethe Et ilt remiſerunt & quiete clamaverunt de ipſis Edwardo & Anna Edwardo & Margareta & Elizabetha & heredibus ſuis predictis Robto & Georgio & heredibus ipſius Robti imppetuum Et preterea iidem Edwardus Seymour Baronettus & Anna conceſſerunt pro ſe & heredibus ipſius Robti quod ipſi war ꝑdictis Robto & Georgio & heredibus ipſius Robti ꝑdicta Honores Caſtra Mañia Parcos Tenementa Reddit Communiam Paſture Uiis Franc plegiū Feodi Milit Wardi Maritagii Eſcaet

Elcaet bona & catalla waviat extrahur bona & catalla Felonum Fugitivorum Utlagatorum Attinctorum Felonum de se Deodand Thesaur invent Ferias Mercata Wreccum Maris Warennam Piscariam Medietatem & Partes cum ptin Ac Advocationem predicta contra ꝓdictos Edwardum & Annã & heredes ipsius E. imppetuum Et ullius iidem Edwardus Seymor Armig & Margareta concesserunt ꝓ se & heredibus ipsius Edwardi quod ipsi war ꝓdictis Robto & Georgio & heredibus ipsius Robti ꝓdicta Honores Castra Mañia Parcos Tenementa Reddit Communiã Pasture Uiis Franc pleg Feod Milit Marc Maritag Elcaet bona & catalla waviat extrahur bona & catalla Felonum Fugitivor Utlagatorum Attinctorum Felonum de se Deodand Thesaur invent Ferias Mercat Wreccum Maris Warennam Piscariam Medietatem & Partes cum ptin ac Advocationem predictam contra predictos Edwardum & Margaretam & heredes ipsius Edwardi imppetuum Et insup eadem Elizabetha concessit ꝓ se & heredibus suis quod ipsi war ꝓdictis Robto & Georgio & heredibus ipsius Robti ꝓdicta Honores Castra Mañia Parcos Tenementa Reddit Communiam Pasture Uiis Franc pleg Feod Milit Marc Maritag Elcaet bona & catalla waviat extrahur bona & catalla Felonum Fugitivorum Utlagatorum Attinctorum Felonum de se Deodand Thesaur invent Ferias Mercat Wreccum Maris Warennam Piscariam Medietatem & Partes cum ptin ac Advocatione ꝓdictam

dictam contra ipsam Elizabetham & heredes suos imppetuum Et p hac &c.

Capt & cognit &c. ut supra.

An Affidavit (taken by any of the Justices of the Common Pleas) upon the due Execution of a *Dedimus Potestatem* by Commissioners in the Country.

'*Arthur Bond* Gent. (one of the Commissioners in the Writ of *Dedimus* named) maketh Oath, That this Fine was duly executed, the Cognizees of full Age, and the Feme Covert being secretly and apart examined, willingly consented,

Arthur Bond.

Of a Mannor, Grange, divers Messuages, Cottages, several quantities of Land, Meadow, Pasture, Furze and Heath, from five Cognizors (the four last being two Husbands and their Wives) with Warranty by the first Cognizor against him and his Heirs, and against the other four Cognizors and their Heirs, and against the Heirs of the Father of the two first Cognizors, and against all Persons claiming by them, or any of them. 2. Warranty against the second and third Cognizors and the Heirs of the Husband, and all the other Persons named in the first Warranty. 3. Warranty against the two last Cognizors, and the Heirs of the Husband only.

Nott'

Nott' ff. PRecipe Gervasio Cresley Generoso Johi Cresley Generoso & Marie uxori ejus & Robto Bingham Generoso & Elizabethe uxori ejus quod juste &c. teneant Robto Clifton Armigero Conventionem &c. de Mañio de D. alias &c. cum ptin̄ Ac de Grangia de D. alias &c. cum ptin̄ Necnon de septem Messuagiis quatuor Cotagiis ducentis Acris Terre viginti Acris Prati viginti Acris Pasture & centum Acris Jampnorum & Bruere in D. alias D. C. alias D.S. H. N. & B. Et nisi &c.

Et est Concordia talis scilt quod predicti Gervasius Johes & Maria & Robtus Bingham & Elizabetha recognoverunt ꝑdicta Manerium Grangiam & Tenementa cum ptin̄ esse jus Robti Clifton ut illa que idem Robtus habet de dono ꝑdictorum Gervasii Johannis & Marie & Robti Bingham & Elizabethe Et illa remiserunt & quiete clamaverunt de se & heredibus suis ꝑdicto Robto Clifton & heredibus suis imppetuum Et preterea idem Gervasius concessit p̄ se & heredibus suis qđ ipsi war' ꝑdicto Robto Clifton & heredibus suis ꝑdicta Mañium Grangiam & Tenementa cum ptin̄ contra ꝑdictum Gervasium & heredes suos ac contra ꝑdictos Johannem & Mariam & Robtum Bingham & Elizabetham & heredes suos Ac contra heredes Parke Cresley Generosi defuncti Patris ipsorum Gervasii & Johannis Ac contra omnes alios clamantes p̄ ꝑdictos Gervasium Johannem

Johannem & Mariam Robtum Bingham
Elizabetham & Parke aut eorum aliquem
imppetuum Et ulrius iidem Jō & Mari
concesserunt p se & heredibus ipsius Jō quo
ipsi war ꝓdicto Robto Clifton & heredibus
suis ꝓdicta Mañium Grangiam & Tenem
cum ptin contra ꝓdictos Johannem & Mari
& heredes ipsius Johannis Ac contra ꝓdictos
Gervasium & Robtum Bingham & Elizabe
tham & heredes suos Ac contra heredes ꝓ
dicti Parke ac contra omnes alios clamantes
p ꝓdictos Johannem & Mariam Gervasium
Robtum Bingham & Elizabetham & Pari
aut eorum aliquem imppetuum Et etiam
iidem Robtus Bingham & Elizabetha con
cesserunt p se & heredibus ipsius Robti quo
ipsi war ꝓdicto Robto Clifton & heredibus
suis ꝓdicta Mañium Grangiam & Tenem
cum ptin contra ꝓdict Robtum Bingham &
Elizabetham & heredes ipsius Robti imppe
tuum Et pro hac &c.

Capt & cognit p supra nomi-
natum Johannem Cresley
vicesimo ttio die Augusti
Año Regni Regis Car scdi
quartodecimo coram nobis

R. Edge.
T. Toplage.

Capt

Capt & cognit p supranominatos Gervasium Cressey Robtum Bingham & Elizabetham uxorē ejus vicesimo quinto die Augusti Anno quartodecimo supradicto coram nobis

R. Edge.
J. Toplage.

Capt & cognit p supranominatam Mariam Cressey uxorem Roici Johannis Cressey vicesimo scdo die Novembris Anno quartodecimo supradicto coram nobis

G. Holland,
R. Edge.

A Fine with seven Warranties.

Northt' ff. PRecipe Rogero H. Armigero Agneti H. vidue Johanni H. Geñoso Katherine H. Josepho P. & Anne uxori ejus Robto W. Geñoso & Elizabethe uxori ejus & Francisce H. quod juste &c. teneant Johanni C. Militi & Barronetto Conventionem &c. de Mañiis de S. alias &c. & W. cum ptin Ac de decem Messuagiis duobus Cotagiis duodecim Gardinis duodecim Pomariis sexcentis & quinquaginta Acris Terre sexaginta Acris Pasture triginta Acris Bosci centum Acris Jampnorum & Bruere & Communia

Communia Pasture p omnimodis actibus cum ptiñ in S. & W. Et nisi &c.

Et est Concordia talis scilt quod pdict Rogerus Agnes Johannes H. Katherina Josephus & Anna Robtus & Elizabetha & Francisca recogñ pdicta Mania Tenementa Communiam Pasture cum ptiñ esse jus ipsius Johannis L. ut ilr que idem Johannes habet de dono pdict Rogeri Agnetis Johannis H. Katherine Josephi & Anne Robti Elizabethe & Francisce Et ilr remiserunt & quiete clamaverunt de ipsis Rogero Agnete Johanne Katherina Josepho & Anna Robto & Elizabetha & Francisca & heredibus suis pdicto Johanni L. & heredibus suis imppetuum Et pterea idem Rogerus concessit pro se & heredibus suis quod ipsi war pdicto Johanni L. & heredibus suis pdicta Mañium Tenementa & Communiam pasture cum ptiñ contra pdict Rogerum Agnetem Johannem H. Katherinam Josephum & Annam Robtum & Elizabetham & Franciscam & heredes suos Ac contra heredes Rogeri H. Armiñ defuncti patris pdicti Rogeri Willielmi H. Armiñ defuncti Avi pdicti Rogeri Ac contra omnes alios clamantes p pdictos Rogerum Agnetem Johannem H. Katherinam Josephum & Annam R. & Elizabetham Franciscam Rogerum & Willielmum aut eorum aliquem imppetuum Et ultius eadem Agnes concessit pro se & heredibus suis quod ipsi war pdicto Johanni L. & heredibus suis pdicta Mañium Tenementa & Communiam pasture cum p-

tiñ

ſ̄d contra p̄dictam Agnetem & heredes ſuos
mppetuum Et inſup idem Johannes H.
oncellit p ſe & heredibus ſuis quod ipſi war
dicto Johanni L. & heredibus ſuis p̄dicta
ñium Tenementa & Communiam paſture
m ptiñ contra p̄dict H. & heredes ſuos im-
petuum Et etiam eadem Katherina con-
ſſit p̄o ſe & heredibus ſuis quod ipſi war
dict Johanni L. & heredibus ſuis p̄dict Ma-
ium Tenementa & Communiam paſture
m ptiñ contra p̄dict Katherinam & he-
des ſuos imppetuum Et etiam iidem Jo-
phus & Anna conceſſerunt p ſe & heredibus
ſius Anne quod ipſi war p̄dict Johanni L.
heredibus ſuis p̄dict Mañium Tenementa
Communiam paſture cum ptiñ contra p̄e-
dictos Joſephum & Annam & heredes ipſius
nne imppetuum Et etiam idem Robtus
Elizabetha conceſſerunt p̄o ſe & heredibus
ſius Elizabethe quod ipſi war p̄dict Johi
L. & heredibus ſuis p̄dict Mañium Tene-
nenta & Communiam paſture cum ptiñ con-
ra p̄dict Robtum & Elizabetham & heredes
ſius Elizabethe imppetuum Et etiam
adem Franciſca conceſſit p ſe & heredibus
uis quod ipſi war p̄dicto Johanni L. & here-
ibus ſuis p̄dicta Mañiñ Tenementa & Com-
muniam paſture cum ptiñ contra p̄edictam
Franciſcam & heredes ſuos imppetuum Et
p hac &c.

Capt & cognit (ut ſupra.)

A Precipe of ſeveral Rents.

Somerſ. ſſ. PRecipe T. B. Geñrolo qꝺ ſꝫ
ꝛc. teneat W. B. Geñolo Co
ventionem ꝛc. de Mañio de N. S. cum ꝑ
ac de quatuoꝛ Meſuagis quatuoꝛ Toftis q
tuoꝛ Molendinis ſeptem Columbar vigi
Gardinis centum Acris Terre ducentis A
Paſtis treſcentis Acris Paſture treſcen
Acris Boſci decem ſolibaꝫ reꝺꝺit ꝫ re
duaꝫ libꝛaꝫ Piperis ꝫ duaꝫ libꝛaꝫ Cum
cum ꝑtiñ in N. S. T. S. P. ꝫ C. M
non Advocationem Eccleſie de N. S.
niſi ꝛc.

Et eſt Concoꝛdia talis ſcilt quod ꝓdict
recogñ ꝓdicta Mañium Tenementa ꝫ R
ꝺit cum ꝑtiñ ac Advocationem ꝓꝛedictam
ius ꝛc.

Of two Acres of Paſture.

Midd' ſſ. PRecipe Robto R. Geñolo ꝫ An
uxoꝛi eſus quod ſuſte ꝛc. tenea
Thome B. Militi Conventionem ꝛc. de du
bus Acris Paſture cum ꝑtiñ in Parochia S
Leonaꝛꝺi Shoꝛeꝺitch Et niſi ꝛc.

Et eſt Concoꝛdia talis ſcilt qꝫ ꝓdict R
btus ꝫ Anna recogñ ꝓdict paſturam cum ꝑ
tiñ eſſe ius ꝛc.

A Fine upon two Writs of Covenant from a Duke and his Lady, and another Perſon, to a Marqueſs of Caſtles, Parks and Tenements.

N. ſſ. PRecipe G. Duci B. & M. uxori ejus & R. G. Armigero quod juſte &c. teneant W. Marchioni N. C. S. T. Conventionem &c. de Caſtro de N. cum ptiñ ac de Parco de N. cum ptiñ Necnon de decem Meſuagiis decem Cotagiis decem Gardinis decem Pomariis centum Acris Terre ducentis Acris Prati treſcentis Acris Paſture decem Acris Boſci & viginti Acris Mariſci cñ ptiñ in N. L. & S. Et niſi &c.

V. N. ſſ. PRecipe eiſdem quod juſte &c. teneant eidem Conventionem &c. de Caſtro de N. cum ptiñ ac de Parco de N. cum ptiñ Necnon de decem Meſuagiis decem Cotagiis uno Columbar' centñ Acris Terre ducentis Acris Prati treſcentis Acris Paſture decem Acris Boſci & viginti Acris Paſtici cum ptiñ in U. N. Et niſi &c.

Et eſt Concordia talis ſcilt quod dict' Dux & M. & R. recognoverunt dict' Caſtra Parcos & Tenementa cum ptiñ eſſe jus ipſius Marchionis ut ilt' que idem Marchio habet de dono dict' Ducis & M. & R. Et ilt' remiſerunt & quiete clamaverunt de ipſis Duce & M. & R. & heredibus ſuis dict' Marchioni & heredibus ſuis imppetuum Et pr̃eſen̄ idem Dux & M. conceſſerunt p̃ ſe & heredibus

redibus ipſius Ducis qꝰ ipſi war ꝑdict Ma-
chioni & heredibus ſuis ꝑdicta Caſtra Parc-
& Tenementa cum ꝑtin contra ꝑdictos D-
cem & M. & heredes ipſius Ducis imppetu-
Et ultius idem R. conceſſit p ſe & heredib-
ſuis qꝰ ipſi war ꝑdict Marchioni & heredib-
ſuis ꝑdict Caſtra Parcos & Tenementa cu-
ꝑtin contra ꝑdict R. & heredes ſuos imppe-
tuum Et pro hac &c.

Capt & cognit ut ſupra.

From the ſame Cognizors, to other Cognizee
of a Mannor, Tenements, Rent, Mine
Courts Leet, View of Frank-Pledge, Eſtray
Goods and Chattels of Felons and Fugitive
Felons *de ſe*, and Outlawed Perſons, Deo-
dands, Knights Fees, Wards, Marriage
Reliefs, Eſcheats, Fines, Amerciaments, Fair
Markets, Toll, Rights, Juriſdictions, Liber-
ties and Priviledges in eight Towns in th
County of *D.*

D. ſſ. PRecipe G. Duci B. & M. uxori ej
& R. G. Armigero qꝰ juſte &c. t
neant H. B. Armigero & R. C. Geno
Conventionem &c. de Manio de H. cum ꝑtin
ac de ducentis Meſuagiis centum Cotagi
ducentis Gardinis ducentis Pomariis trib
mille Acris Paſture mille Acris Boſci dec
mille Acris Jampnorum & Bruere duabu
mille Acris More decem Libat Reddit M-
ner Cur Let Uiſ Franc pleg Extrahur
Bona & Catalla Felonum & Fugitivorum
Felonum de ſe & in exigend poſit Deodand

Feod

Feod Milit Ward Maritag Releviis Escaet Finibus Amciam Mundinis Mercat Feriis Tolnet Jur Jurisdictionibus Libtatibus & Pzivilegiis cid ptin in Hartington als Hertingtō Biggynge Heathecote Ladwale Sterneale Crowdecote Forlowe & Gzene Et nisi &c.

Et est Concordia talis scilt qd pdict Dux & M. & R. recogn pdict Manium Tenemta Reddit Miner Cur Let Uis Franc pleg Extrahur Bona & Catalla Felonum & Fugitivozum Felonum de se & in exigend polit Deodand Feod Milit Ward Maritag Releuia Escaet Fines Amciament Mundin Mercat Ferias Tolnet Jur Jurisdictiones Libtat & Pzivileg cum ptin esse jus ipsius H. ut ilt que iidem H. & R. habent de dono pzedecozum Ducis & M. & R. Et ilt remiserunt de se & heredibus suis pdcis H. & P. & heredibus ipsius H. imppetuum Et pzeterea idem Dux & M. concesserunt p se & heredibus Ducis qd ipsi war pdict H. & R. & heredibus ipsius H. pdict Manium Tenementa Reddit Miner Cur Let Uis Franc pleg Extrahur Bona & Catalla Felonum & Fugitivozum Felonum de se & in exigend polit Deodand Feod Milit Ward Maritag Relevia Escaet Fines Amciamenta Mundin Mercat Ferias Tolnet Jur Jurisdictiones Libtat & Pzivileg cum ptin contra pdict Ducem & M. & heredes ipsius Ducis imppetuum Et ulterius idem R. concessit p se & hered suis quod ipsi war pdict H. & R. & heredibus ipsius H. pdict Manium Tene-

menta Redditꝰ Pœnæ Curiæ Letꝰ Wiꝰ Fran
pleg Extrahuꝫ Bona & Catalla Felonu
Fugitivorum Felonum de se & in exigen
ponit Deodand Feod Militꝫ Mard Mariag
Relevia Escaet Fines Attachamenta Mun
din Merrat Ferias Tolnet Jur Jurisdict
ones Libertat & Privileg cum ptin cont
ptꝫ R. & hæredes suos imppetuum Et
hac &c.

Capt & cognit &c.

Of several Mannors, Messuages, Cottages, Dow
houses, Gardens; great quantities of Lan
Meadow, Pasture, Furze and Heath: (
Rent, Common of Pasture for all mann
of Cattle, Free Fishing, View of Fran
Pledge, and whatsoever belongs thereunto
Mines, Quarries, Knights Fees, Wards, M
riages, Reliefs, Herriots, Issues, Fines, Am
ciaments and Forfeitures, Goods and Ch
tels of Persons Outlawed, and sued to t
Exigent, Waifs, Estrays, Goods and Ch
tels of Traytors, Felons de se, Fugitive
Persons condemned, convicted and attainte
Deodands, Natives, Natives and Villain
Fairs, Markets, Toll, Stallage, Picage, Po
tage, Treasure found, and to be found
And of all Rights, Regalities, Jurisdict
ons, Franchises, Liberties, Profits, Comm
dities, Priviledges and Emoluments whatſ
ever, &c.

Hertf.

Hereff. ſſ. Precipe G. Duci B. & M. uxori
ejus & R. G. Arrid qd juſte &c.
teneant T. W. Arrid & J. N. Geid Conven-
tionem &c. de manſis de L. alias L. M.
W. S. St. J. & H. cum ptiñ Ac de ducen-
tis Meluagiis quinquaginta Cotagiis quinq;
Columbar ducentis Gardinis quadtor mille
Acris Terre quadtor mille Acris Pzati tri-
bus mille Actis Paſture mille Acris Jamp-
nozum & Bruere quinquaginta & tribus li-
bzat Reddit Communia paſture p omnimo-
dis Aſiſis Libera Piſcaria Uis Franc pleg
& quicquid ad Uis Franc pleg ptinet Omer
Quar Feod Milit Maro Maritag Relevis
Heriot Exit Finibus Amerciamñ & Forisfactur
Bonis & Catallis Utlagat & in exigendo poñ
Manbiat & Extrahar Bonis & Catallis ptd-
ditor Felonum Felonum de se Fugitivozum
Hampnat convict & attinct Vendand Nativis
Nativis & Villanis Mundinis Mercatis Fe-
riis Tolnet Scalag Pitag Pontag Thelaur
inventi & inveniend Ac omnibus Jur Regal-
litat Jurisdiction Franches Libtat Pzofi-
cuis Commoditat Pzivileg & Emolument
quibuscunq; cum pertiñ in L. alias L. M.
W. S. St. J. H. S. C. B. H. H. W. B.
W. F. W. R. M. H. D. B. H. W. R. D.
C. & A. Et nichil &c.

Et eſt Concordia talis ſcilt qd Poſſit Dur
& M. & R. recogñ Poſſe Manta Tenementa
Reddit Communiam paſture Pzicar Uis
Franc pleg Omer Quar Feod Milit Maro

Maritag Relevia Veriot Exit Fines Añcia-
menta & Forisfactur Bona & Catalla Vti-
gat & in exigend posit Waviat Extrahu-
Bona & Catalla Proditorum Felonum Fe-
lonum de se Fugitivorum dampnat convi-
& attinct Deodand Nativos Nativas & Vi-
lanos Nundin Mercat Ferias Tolnet Sta-
lag Picag Pontag Thelaur inven & in-
nienđ Jur Regalitat Jurisdictiones Fra-
ches Libtat Proficua Commoditat Privil-
& Emolument cum ptin esse jus ipius
ut ill que idem T. & J. habent de dono p
dictorum Ducis & M. & R. Et ill remiser
& quiet clam de ipis Duce & M. & R. &
redibus suis pdict T. & J. & heredibus ipi
T. imppetuum Et pr̃ea idem Dux &
concesserunt p se & heredibus ipius Du
gđ ipi war pdict T. & J. & heredibus ipi
T. pdict Mañia Teñta Revdit Commun
pasture Pisar Vis Franc pleg Miner Du
Feod Milit Marđ Maritag Relevia Veri
Exit Fines Añciamenta Forisfactur Bo
& Catalla Vtlagat & in exigend posit W
viat Extrabur Bona & Catalla Proditor
Felonum Felonum de se Fugitivor dam
nat convict & attinct Deodand Nativos N
tivas & Villanos Nundin Mercat Fer
Tolnet Stallag Picag Pontag Thelaur
vent & inveniend Jur Regalitat Jurisdict
ones Franches Libtat Proficua Commo
tat Privileg & Emolument cum ptin co
tra pdictos Ducem & M. & heredes ipius D
cis imperpetuum Et ultius idem R. co
cessit p se & heredibus suis quod ipi wa

Pdict

Dict T. & J. & heredibus ipſius T. dicta
Nania Tenementa Reddit Communiam pa-
ture Pilcar' Wis Franc' pleg Miner' Quar'
Feod' Milit' Ward' Maritag' Relevia Heriot'
Exit' Fines Amerciamenta Forisfactur' Bona
& Catalla Utlagat' & in erigend' posit' Wavi-
at' & Extrahur' Bona & Catalla Proditorum
Felonum Felonum de se Fugitivorum damp-
nat' convict' & attinct' Deodand' Nativos Na-
tivas & Villanos Nundin' Mercat' Ferias
Tolnet' Stallag' Picag' Pontag' Thesaur' in-
vent' & inveniend' Jur' Regalit' Jurisdictiones
Franches' Libertat' Profictus Commoditates
Privileg' & Emolument' cum pertin' contra
dictum R. & hereves suos imppetuum Et
hac &c.

Capt' & cognit' (ut supra.)

Of a Mannor, Messuages, a Cottage, Gardens, Orchards, Land, Meadow, Pasture, Pasture for twenty Cattle, and Common of Pasture.

Wiltes' ff. PRecipe Abrahamo Chamberlain Genolo & Judithe uxori ejus qd̄ juste &c. teneant Elizabethe King adue Conventionem &c. de manerio de C. um pertin' ac de duobus Meluagiis uno Cotagio tribus Gardinis tribus Pomariis duentis & seraginta Acris Prati quadraginta Acris Pasture pastura pro viginti Aūtis & Communia pasture cum pertin' in Cheriton alias Cherton & Cheverel Et nisi &c.

Et est Concordia talis scilt qd pdict Abra-
hamus & Juditha recognoverunt pdcta Ma-
ium Tenemenţ Pasturam & Communiam
Pasture cum ptin esse jus ipsius Elizabethe
ut ill que habent Elizabetha habet de dono
pdict Abrahami & Judithe Et ill remisi-
runt & quiete clamaverunt de se & heredibus
suis pdicte Elizabethe & heredibus suis im-
petuum Et pterea idem Abrahamus & J
dicta concesserunt pro se & heredibus ipsi
Abrahami quod ipsi war pdicte Elizabethe
heredibus suis pdcta Tenementum Tenemen
Pasturam & Communiam pasture cum pti
contra prefatos Abrahamum & Judithan
heredes ipsius Abrahami imppetuum Et
hac &c.

Capt & cognit &c.

A Fine from Husband and Wife, to a Viscou
of five Acres of Land (only) with two se
ral Warranties, 1. By the Husband again
him and his Heirs. 2. By the Husband a
Wife against the Heirs of the Wife.

Hertf. ff. Precipe Thome King & Jane ux
eius qd iuste &c. tenent Thom
Fanshaw Militi Baliui (Miseratiis Dom
nore in Regno Hibernie) Conventionem
de quinq; Acris Terre cu ptin in Ware
nisi &c.

Et est Concordia talis scilt quod pdict
Thomas & Jana recognoverunt pdict pcis

D H Acras

Acras Terre cum ptin esse jus ipsius Thome Fanshaw ut ill̃ que idem Thomas habet de dono ꝓdict Thome King & Jane Et ill̃ remiserunt & quiete clam̃ de ipsis Thome King & Jane & heredibus suis ꝓdicto Thome Fanshaw & heredibus suis imperpetuum Et ꝓtea idem Thomas King concessit ꝓ se & heredibus suis quod ipse war ꝓdicto Thome Fanshaw & heredibus suis ꝓdict quing Acras Terre cum ptin contra ꝓdict Thomam King & heredes suos imperpetuum Et ulterius idem Thomas King & Jana concesserunt ꝓ se & heredibus ipsius Jane quod ipse war ꝓdicto Thome Fanshaw & heredibus suis ꝓdict quing Acras Terre cum ptin contra ꝓdict Thomam King & Janam & heredes ipsius Jane imppetuum Et ꝓ hac &c.

Capt & cognit &c. (ut supra)

A Precipe of divers Mannors, an Hundred, &c.

Salop' ff. PRecipe Edwardo Dño H. de C. & Anne uxori ejus qđ juste &c. teneant Johanni H. Geñoso & Cyano U. Geñoso Conventionem &c. de Maneriis de C. & U. cum pertin ac de Hundredo de C. cum ptin Necnon de Sexdecim Selvagiis viginti Gardinis quadringentis Acris Terre sexcentis Acris Pasti trecentis Acris Pasture centum & sexaginta Acris Bosci quingentis Acris Jampnorum & Bruer & sexaginta solidat Reddit cum ptin in C. W. M. B. R. S. T. W. & P. Et nisi &c.

Et est Concordia talis scilt quod predict Edwardus & Anna recogn predicta Man Hundred Tenta & Remit eid pcipi esse jus

A Precipe of divers Mannors: The Scites of two dissolved Monasteries: The Scite of a dissolved Priory; Of several Messuages, Tofts, Mills, Dove-houses and Gardens; great quantities of Land, Meadow, Pasture, Wood, Furze, Heath and Marsh Ground. Of Rent, Common of Pasture, Free Warren, Free Fishing, Mines, Quarries, Courts Leet, Court Baron, View of Frank Pledge, Estrays, Goods and Chattels of Felons and Fugitives, Felons *de se*, and of Persons sued to the Exigent, Deodands, Knights Fees, Wards, Marriages, Reliefs, Eschaets, Issues, Fines, Amerciaments, Natives and Villains, Fairs, Markets, Toll, Rights, Royalties, Jurisdictions, Franchises, Liberties, Profits, Commodities, Priviledges and Emoluments. Of two Rectories, all manner of Tithes, &c. and the Advowson of a Rectory.

Lincoln ss. PRecipe J. M. Gen quod juste &c. teneant G. L. Gen & Will. M. Gen Conventionem &c. de Manerits de Barvney Southeray Tupholme Knapth Stowe & Gateburton cum pcipi ac Scitubus Monasteriorum dissolutorum de Barvney & Tupholme cum pinentiis Aceriam Scitu Priorat dissolut de Hennings alias Hevenings alias Henyngys alias Hevenyngys cum pcipi Neron ducentis & quinquaginta Messuagiis

magiis triginta Toftis ſcr Wolendinis ſcr Columbar ducentis & quinquaginta Gardinis tribus mille & quingentis Acris Terre ſexcentis Acris Prati duabus mille Acris Paſture ſeptingentis Acris Bolci mille Acris Jampnorum & Bruere mille Acris Pariſci viginti uno libraſ ſcr ſolidaſ & octo denariaſ Reddit Communia paſture p omnimodis Averiis Libera Warenna Libera Piſcaria Piner Quaſ Cur Let Cur Baron Vis Franc pleg Extrahur Bonis & Catallis Felonum & Fugitivorum Felonum de ſe & in Erigend poſit Deodand Feod Milit Ward Maritag Releviis Eſcaetis Finibus Amciamentis Nativis Nativis & Villanis Nundinis Mercatis Feriis Tolnetis Juribus Regalitatibus Juriſdictionibus Franchefiis Libertatibus Proficuis Commoditatibus Privilegiis & Emolumentis quibuſcunq cum ptin in Wardney Southeray Tupholme Galtbay Langton prope Horncaſtle Langton prope Wragby Lowth Branſton Hanworth Nott Petherringham Blankney Dunſton Knayth Henings alias Hevenings alias Henyngys alias Hevenyngys Læ Burton Stowe Warten Langhterton Gateburton Ketclethorpe Littlebortough Normanby Bransby Willingham Cotes Fillingham Dunby Harwick Newton Brampton Fenton Upton Kerby Kanby & Wragby ac Rectoriis de Upton & Kerby cum pertin Ac de omnibus & omnimodis Decimis annuatim provenien crescen seu renovan in Henage & Southeray Acetiam de Advocatione Rectorie de Knayth Et niſi &c. Et

Et eſt Concordia talis ſcilt quꝺ ꝓdict I. & R. recogn̄ ꝓdicta Mañia Scilt Tenementa Reddit Communiam paſture Warennam Pitrar Piner Quar Cur Let Cur Baron Miſs Franc pleg Extrahur Bona & Catalla Felonum & Fugitivorum Felonum de ſe & in Erigend̄ poſit Deodand Feod Milit Ward Maritag Relevia Eſcaet Exit Fines Añciament Nativos Nativas & Villan Mundin Mercat Ferias Tolnet Jur Reg. litat Juriſdictiones Franches Libtat Priſ ficua Commoditat Privileg Emolumta Re ctorias & Decimas cum pertin̄ ac Advocatio nem ꝓdict eſſe jus &c.

Capt & cognit (ut ſupra.)

Of a Preceptory or Commandry of divers Manors, Hundreds, ſeveral Meſſuages, Mills Gardens, great quantities of Land, Meadow, Paſture and Wood, Free Fiſhing, Liberty of Foldage, Tithes, Advowſons of Churches, and the Advowſon of a Vicaridge.

Norff. ſſ. PRecipe W.C. Arm̄ & F.C. Gen & M. uroꝛi ejus quod juſte &c. te neant J. M. Gen & R. C. Gen Conven tionem &c. de Pꝛeceptoꝛia alias Comman dꝛia de Carbꝛooke cum ptin̄ Ac de Manerio de Whinberge alias Whinharroughe Gaſ ton alias Gaueſton Weſtfield Cranwoꝛth Butlers Woodriſing Penthelos Skoultor Oldlands Carbꝛooke Hoſpital Sancti Jo hannis Jeruſalem & Carbꝛooke Woodhall alias

alias Latimers cum ptin Acetiam de Hun-
medis de Wayland & Grimshoo cum ptin
Necnon de viginti & ser Weluagiis duobus
Molendinis viginti & ser Gardinis mille &
seraginta Acris Terre terrentis & quadragin-
ta Acris Prati duabus mille & ducentis Acris
Pasture centum Acris Bolci libera Piscar &
librate duorum Faldagiorum cum ptin in
Whinberghe alias Whinbarrowghe Garston
alias Gaverston Thurton Reymerston Por-
on alias Parham Hatteshall Cranworth
Letton Shipdham Westfield Woodrising
Southbergh Hingham Skoulton Carbrooke
Watton Griston Caston Ovington San-
dringham Burnham Ingworth & Whorstead
Ac de omnibus & omnimodis Decimis qui-
buscunq; annuatim proveniend crescend seu
renovand in Griston Caston & Carbrooke
Necnon de Advocationibus Ecclesiarum de
Whinberghe alias Whinbarrowghe Garston
alias Gaverston Westfield Cranworth cum
Letton Skoulton Woodrising Paron alias
Parham & Thurton Acetiam de Advocati-
one Vicarie Ecclesie de Carbrooke Et
pls &c.

Et est Concordia talis scilt qd ptict W.
F. & M. recogn ptict Preceptorium alias
Commandriam Maneria Hundred Tene-
menta Piscar Libertat & Decimas cum ptin
ac Advocationes ptict esse jus ipsius J. ut
ill que idem J. & R. habent de dono ptict
W. F. & M. Et ill remiserunt & quiete cla-
maverunt de ipsis W. F. & M. & heredibus

suis

ſuis ꝓdict J. & R. & heredibus ipſius J. imꝑpetuum Et ꝓtekea idem Wl. conceſſit ꝓ ſe & heredibus ſuis quod ipſi war' ꝓdict J. & R. & heredibus ipſius J. ꝓdicta ꝓceptoꝛium alias Commandoꝛiam Maneria Hundꝛed Tenementa Piſcar' Libtat & Decimas cum ꝑtin ac Advocationes ꝓdict contra ꝓdict Wl. & hered ſuos imꝑpetuum Et ultius idem F. & M. conceſſerunt ꝑ ſe & heredibus ipſius F. quod ipſi war' ꝓdict J. & R. & heredibus ipſius J. ꝓdicta ꝓceptoꝛium alꝫ Commandoꝛiam Maneria Hundꝛed Tenementa Piſcar' Libtat & Decimas cum ꝑtin ac Advocationes ꝓdict contra ꝓdict F. & M. & heredes ipſius F. imꝑpetuum Et ꝑ hac &c.

Capt & cognit &c. ut ſupꝛa.

A Fine *ſur Conceſſit* for the Term of 500 years (without Impeachment of Waſte) of the third part of a Mannor, Meſſuages, Gardens, Orchards, Land, Meadow, Paſture and Wood.

Ex' ſſ. PRecipe Johanni Clarke Clerico & Margarete uꝛoꝛi ejus quod ſuſſ &c. teneant Robto Duke Conventionem &c. de tertia ꝑte Manerii de Over Yeldha alias Over Yeldham Hall alias parva Yeldham cum ꝑtin Ac decem Meſuagioꝛum duoꝛum Gardinoꝛum duor' Pomarioꝛum treſcentarii Acrarum Terre viginti Acrarum Pꝛati ducentarum Acrarum Paſture & triginta Acrarum Boſci cum ꝑtin in Yeldham parva alias Over

Over Yeldham Nether Yeldham Stamborne Milbury jurta Clare Tippisfield Castle Yeddingham Yeovingham Sible Gestingthorpe Belchampe Sayntc Paule Otten Belchampe Riddelwell & Belchampe William Et nisi &c.

Et est Concordia talis scilt quod predicti Johannes & Margareta concesserunt pdicto Robto pdict tertiam ptem cum ptin habend & tenend eidem Robto a Festo Nativitatis Sci Johis Baptiste ult pretit usq finem termini quingentorum annorum extunc pror' sequend & plenarie complend Absq impeticione alicujus vasti Reddend inde annuatim pdict Johi & Margarete & heredibus ipsius Margarete unum granum piperis ad Festum Natalis Domini annuatim solvend toto termino pdicto si petatur Et pdicti Johes & Margareta & heredes ipsius Margarete war pdicto Robto pdict fcia'pte cid ptin sicut pdict est contra pdict Johe & Margaretā & heredes ipsius Margarete toto tmino pdicto Et p hac &c. Capt & cognit &c. ut supra.

A Precipe of a Mesuage, Dove-house, Gardens, Land, Meadow, Pasture and Wood, of two parts of a Manor, and 150 Acres of Land, 40 Acres of Meadow, and 200 Acres of Pasture, Common of Pasture for all manner of Cattle, two parts of a Rectory, and the Tithes of Corn, Hay, Wooll and Lamb, and all other Tithes whatsoever.

Ebor' ss. PRecipe Henrico Hall Armigero & Rico Darley Gen qd juste &c. teneant

teneant Willielmo Thorneton Armigero & Thome Alured Grū Conventionem &c. de uno Messuagio uno Columbar duobus Gardinis iacentis & septuaginta Acris Terre nouoginta & sex Acris Pasti centum triginta & sex Acris Pasture & quadraginta Acris Bosci Ac de duabus partibus Wandrili de Bishop Wilton cum pertin ac centum & quinquaginta Acrarum Terre quadraginta Acrarum Pasti & duodecim Acrarum Pasture ac etiam Communia Pasture pro omnibus Auersis cum pertin in Bishop Wilton & Gelbal Necnon duabus partibus Rectorie de Bishop Wilton cum pertin ac omnium & omnimodi Decimarum Garbarum Feni Lane ac Agnellorum ac omnium aliarum Decimarum quarumcunq; annuatim crescen renovand & contingen in Bishop Wilton & Gelbald Et nisi &c.

Et est Conuencio talis scilt quod predict Henricus & Richardus recognoverunt predict Tenementa partes & Communiam pasture cum pertin esse jus &c.

A Precipe where the Sheriff of the County is Cognizee, and therefore the Writ of Covenant is directed to the Coroners.

Buck. ff. PRecipe Darby Wood Generoso & Clare uxori ejus quod juste &c. teneant Roberto Gayer Militi Walnei Wic Com Buk. Conventionem &c. de uno Messuagio uno Gardino uno Pomario octo Acris Terre

Terre duabus Acris Prati & Communia pa-
ture cum ptin in Stoke Poges Et nisi &c.
Nota qd' Brē de Cōd direct Coronatoribus
fuit ꝛ Hēte Michaelis Teste octavo die Octo-
bris Anno Regni nostri xv. (Et tunc post
Teste hec Clausula inseritur) Quia pō Ro-
bus est modo Vic' Com pō Ideo cū Execu-
tione istius Brevis aliqualiter se non intro-
mittat sed fiat Executio ejusdem p Coro-
tores supradictos.

Et est Concordia talis scilt qō pdict Dar-
by & Sara recognoverunt pdict Tenementa
& Communiam Pasture cum ptin esse Jus
ipsius Robti ut ill &c.

From a Duke and his Lady, and a third Per-
son, to a Duke and another Cognizee, of an
Honor, several Manors and Parks; divers
Messuages, Tofts, Water-Mills, Dove-houses,
Gardens, great quantities of Land, Meadow,
Pasture, Wood, Furze and Heath, Rent, Free
Warren, View of Frank Pledge, and what-
soever doth thereunto belong: Waifs, Estrays,
Deodands, Goods and Chattles of Felons,
Fugitives, Felons *de se*, Persons outlawed;
Return of all Writs whatsoever; and of all
and all manner of Liberties and Franchises.

Essex ss. PRecipe G. Duci B. & P. ux. ejus
& R. G. Armigero qō juste &c.
teneant G. Duci A. & P. L. Armigero Con-
ventionem &c. de Honore de Bewlew alias
Bewlew cum ptin Ac de Manerijs de
Bewlew

Bewlew alias Bewliew alias New Hall Old Hall Bozehams Wakefare Hall alias Walfozd Hall & Belsted Hall cum ptinen Acetiam de tribus parcis cum ptiñ Ne non de triginta meſuagiis quindecim toft tribus molendinis aquaticis duodecim co lumbar triginta gardinis mille & quinge tis acr terre quadzingentis acris pzati tri bus mille & quingentis acris paſtur lepti gentis acris Bolci mille Acris Jampnozu & Bzuere viginti Libzat Reddit libera We tenna Uis Franc Pleg & quicquid ad Uis Franc Pleg ptinet Bonis & Catallis Wa viat Extrahur Deodand Bonis & Catall Felonum & Fugitivozum Felonum de Utlagatoz & in Exigend polit Retozn om nium Bzevium quozumcunq At de omn bus & omnimodis Libertat & Franches c ptiñ in Bozeham Spzingfield Hatfield Pe bereł Bzomfeild parva Walthам magn Leighes parva Baddowe magna Baddowe Tarlinge Et niſi &c.

Et eſt Concozdia talis ſcilt qd Pdict Du B. & M. & R. recognoverunt Pdict Honoz Maneria Parcos Tenementa Reddit We rennam Uis Franc Pleg Bona & Catalla Waviat Extrahur Deodand Bona & Ca talla Felonum & Fugitivozum Felonum de Utlagatozum & in Exigend polit Retozn Bzevium Libertat & Franches cum ptinen eſſe jus ipſius Ducis A. ut ilt que idem Dux A. & M. habent de dono Pdict Ducis B. & M. & R. Et ilt remiſerunt & quiete cla

maverunt

naverunt de ipſis Duce B. & M. & R. & heredibus ſuis pō Duci A. & M. & heredi ipſius Ducis A. imppetuum Et pterea iidem Dux B. & M. conceſſerunt p ſe & heredibus ipſius Ducis B. quod ipſi war' ꝓdict' Duci A. & M. & heredibus ipſius Ducis A. ꝓdict' Honorem Maneria Parcos Tenementa Redditt Warennam Uiis Franc' pleg' Bona & Catalla Waviat' Extrahur' Medoand' Bona & Catalla Felonum & Fugitivorum Felonum de le Utlagatorum & in Exigend' poſit' Retorna Brevium Libertat' ac Franches cum ptinen' contra ꝓdict' Ducem B. & M. & heredes ipſius Ducis B. imppetuum Et ulterius idem R. conceſſit p ſe & heredibus ſuis quod ipſi War' ꝓdict' Duci A. & M. & heredibus ipſius Ducis A. ꝓdict' Honorem Maneria Parcos Tenenita Redditt Warennam Uiis Franc' pleg' Bona & Catalla Waviat' Extrahur' Medoand' Bona & Catalla Felonum & Fugitivorum Felonum de le Utlagatorum & in Exigend' poſit' Retorna Brevium Libertat' & Franches cum ptin' contra ꝓdict' R. & heredes ſuos imperpetuum Et pro hac &c.

Capt' & cognit' decimo nono die Novembris Anno Regni Regis Caroli ſecundi quintodecimo coram me

Orl. Bridgeman.

Precipe's of Moieties, Parts, &c. amongst entire Parcels, and by themselves.

Of the Moiety of a Manor (amongst other things.)

Dorset' ff. PRecipe Thome Trenchard Ar migero qd iuste &c. teneat H. berto Napper Armiger Nathanieli Brow Armiger & Willo Gustavo Generoso C &c. de Manerijs de Hilfield Woolbe Burton parva Childockford Licheat Ma ford Beere Licheat alias South Licheat alias Nether Licheat alias Licheat Mins Beere Heape & Cockamore alias Lich Minster Witherston & Hammohun al Hammoone cum ptin. Ac de duodecim M iuagijs quadraginta Actis Terre trescen Actis Prati quingentis Actis Pasture & C rentis Actis Bosci cum ptin in Lich Patrixoke Licheat Minster Beer Hea Cockamore Whitewell Stour Minster F dington & Dorchester Necnon de Rect de Childockford cum ptin Acertam de M dietate Manerii de Stowborough cum p Et nisi &c.

Et est Concordia talis scilt quod p Thomas recogn pdict Maneria Tenemen ta Rectoriam & Medietatem cum ptin Jus &c.

Of the Moiety of a Mannor, 20 Acres of Meadow, and 20 Acres of Paſture, and of a Rectory and all manner of Tythes (amongſt other things.)

Leic' ſ. PRecipe Thome Smith Baronet & Abigaeli uxor ejus quod juſte &c. teneant Willo Hicks Baronetto & Johanni Morris Generoſo Convention &c. de duobus Meſuagiis quinq; Cotagiis quinq; Gardinis quinque Pomariis ſeraginta Acris Terre triginta Acris Prati & quadringentis & quinquaginta Acris Paſture &c de Predictate Manerii de Silonby cum ptin Necnon viginti Acray Paſture cum ptin in Silonby Acetiam Rectorie de Silonby cum ptin Ac omnium & omnimod Decimarum quarumcunq; annuatim proventen crescen ſeu renovand in Silonby Et unde &c.

Et eſt Concordia talis ſcilicet quod predict Thomas & Abigail recognoverunt predicta Tenementa & Predictat cum pertin eſſe Jus &c.

Of four Moieties: The 1ſt. being of a Mannor, certain Meſſuages, Toſts, Mills, Dovehouſes, Gardens, divers quantities of Land, Meadow, Paſture, Wood, Furze and Heath; freſh Marſh, ſalt Marſh; A Wharff, two Paſſages or Ferries over the River *Thames*, and of 100 *l.* Rent. The 2d of a Prebend and Rectory. The 3d of the Moiety of the

Tythes of Corn, Grain and Hay. The 4th of the Moiety of the Advowson of the Vicaridge of the Church of *W. T.*

Essex' ss. PRecipe Petro Heyman Baronet qꝫ juste &c. teneat Johi Morris Generoso Conventionem &c. de Medietate Manerii de West Thurrock alias West Hall alias le Vineyard cum ptin ac viginti & septem Mesuagiorꝫ quatuordecim Tofforum duorum Molendinorꝫ duorum Columbar triginta & quinque Gardinorum septingentor & decem Acrarum Terre centum Acrarum Prati trescentarum Acrarum Pasture centum viginti & trium Acrarum Bolci sexaginta Acrarum Jampnorum & Bruere trescentarum & sexaginta Acrar Pariset fruit quindecim Acrar Pariset talis unius Wyar duorum Pallagiorum sive Feriar super A quam Thamis & centum solidat Reddit cu ptin in West Thurrock Hodding hurst Harmyrys Oxled Stifford Grace alias Gray Aultye alias Audly Purfett Gorris Thorrock Necnon de Medietate Prebend & Rectorie de West Thurrock cum ptinen Aceiam de Medietate Decimar Granorum Garbarum & Feni annuatim prenien crescen seu renovand in West Thurrock Ac de Medietate Advocationis Vicarie Ecclesie de West Thurrock Et nisi &c.

Et est Concordia talis scilt qꝫ Doick Petrus recogn Doick Medietates cum pertinen esse Jus &c.

Of

Of the Moiety of ſeveral Meſſuages, a Dove-houſe, Gardens, Orchards, certain quantities of Land, Meadow, Paſture, Wood, Furze and Heath; and of the Moiety of a Moiety of a Mannor (*inter alia.*)

Leic' ff. Præcipe Richardo Willson Generoſo quod juſte &c. teneat Thome Willson Con &c. de Medietate duor Meſuagiorum unius Columbar' duor Gardinor duorum Pomariorum viginti Acrarum Terr centum & viginti Acrarum Prati quadringentarum Acrarum Paſture quindecim Acrarum Boſci & ſeraginta Acra Jampnor & Bruere cum ptin in Keythorpe Tugby alias Tokeby & Goadby Ac de Medietate Medietatis Manerii de Keythorpe cum ptin Necnon de omnibus & omnimodis Decimis quibuſcunq; annuatim prvenien creſcen ſeu renovan in Keythorpe Tugby alias Toakby & Goadby Et niſi &c.

Et eſt Concordia talis ſcil qd Joick Ricus recognovit Joick Medietates & Decimas cum pertin eſſe Jus &c.

Upon two Writs of Covenant.

Of divers Meſſuages, a Barn, Gardens, an Orchard and three Acres of Paſture; and of the third part of ſeveral Meſſuages, Gardens and Acres of Paſture in the County of *Midd'*; and, Of the third part of ſeveral Mannors, Meſ-

ſuages, Barns, Tofts, a Dovehouſe, Gardens, Orchards, Acres of Land, Meadow, Paſture, Wood, Furze and Heath, More; of Rent and Common of Paſture for all Cattle in the County of *Warwick*.

Midd' ſſ. PRecipe Edwardo Bullock Armig & Elizabethe uxori ejus qd juſte &c. teneant Georgio Wilde Armig & Franciſco Jermye Armigero Conventionem &c. de duobus Meſuagiis uno Horreo duobus Gardinis uno Pomario & tribus Acris Paſture Ac de tertia parte ſeptem Meſuagiorum duorum Gardinorum & viginti & quinque Acrar Paſture cum ptin in Enfeild & Parochijs Sancti Jacobi Clerkenwel Stepney alias Stebunheath Hackney Sci Clementis Dacor & Sci Leonardi Shoreditch Et niſi &c.

Warr' ſſ. PRecipe eiſdem qd juſte &c. teneant eiſdem Conventionem &c. de tertia parte Maneriorum de Whitnaſh & Ulnal alias Ullon Hall alias Olne Hall cum ptin ac quinq Meſuagiorum quatuor Horreorum duorum Toftorum unius Columbar ſeptem Gardinorum quinq Pomar ducentar quinquaginta & ſex Acrarum Terre octoginta & trium Acrarum Prati ducentarum & viginti Acrarum Paſture triginta Acrarum Bolci undecim Acrar Jampnorum & Bruere quatuor Acrarum More octoginta & quatuor Solid & novem Denar Reddit Ac de Communia Paſture pro omnibus Averiis cum ptin in Whitnaſh Ulnal alias Ullon Hall alias Olne

Olne Hall & Wotton alias Walkens Wotton Et nisi &c.

Et est Concordia talis scilicet qd pred Edwardus & Elizabetha recognoverunt ꝓdict Tenem̃ta tertias partes & Communiam Pasture cum ptin̄ esse Jus &c.

Of the fourth Part of a fifth Part of a Messuage in *London*.

London' ff. PRecipe Henrico Alexander Armig̃ (Comiti Stirline in Regn̄ Dñi Regis Scocie) Robo Croke Militi & Sulanne uxori ejus & Henrico Tinzan alias Alexander Ar & Jacobe uxori ejus qd juste &c. teneant Jacob Lucie Conventionem &c. de quarta parte unius quinte partis unius Messuagii & unius Gardini cum ptin̄ in Parochia Sancte Katerine Coleman-strat Et nisi &c.

Et est Concordia talis scilicet quod ꝓd Henricus Robtus & Sulanna & Henricus & Jacoba recon ꝓdict quartam partem cum ptin̄ esse Jus &c.

Of a Mannor, Messuages, Gardens, Orchards, Land, Meadow, Pasture, Furze, Heath, and Alder; Of the third Parts of a Mannor, Messuages, Gardens, Orchards, Lands, Meadow, Pasture, Furze and Heath; and of the Moiety of the Scites of Mannor, Messuage, Garden, Orchard, Land, Meadow, Pasture and Wood.

Norff. ſſ. PRecipe Thome Rugg Generoſo qꝺ juſte ꝛc. teneat Robto Cleyton Generoſo ⁊ Geoꝛgꝫ Lulls Generoſo Conventionem ꝛc. de Manerio de Noꝛthꝛeps cū ptiñ ac de quinqꝫ Meſuagiis quinqꝫ Gardinis quinqꝫ Pomariis treſcentis Acris Terr̃ ſeptuaginta Acris Pꝛati ducentis Acris Paſtur̃ quadꝛingentis Acr̃ Jampnoꝝ ⁊ Bꝛuer̃ ⁊ decem Acris Alneti cum ptiñ in Noꝛthꝛeps Cꝛomer Sydeſthoꝛne Oꝛſtrunt Felmingham Tunſtowne Flockthoꝛpe alias Hardingham cum ptiñ Necnon de tribus pareibus Manerii de Flockthoꝛpe alias Hardingham cum ptiñ ac duoꝝm Meſuagioꝝm duoꝝm Gardinoꝝm duoꝝm Pomarioꝝm ducentarum Acrarum Terre viginti Acrar Pꝛati cēcum Acrarum Paſture ⁊ ducentarum Acrarum Jampnoꝝm ⁊ Bꝛuere cum ptiñ in Hardingham Reymerſton Hingha Hingham Barrow ⁊ Rymberley Acetiam de Medietate Scitus Manerii de Reymerſton alias Cavely Hals alias Calveley Hards cum ptiñ ac unius Gardini unius Pomarii ſexaginta Acr̃ Terre decem Acr̃ Pꝛati trigenta Acr̃ Paſture ⁊ quadꝛaginta Acrarum Boſci cum ptiñ in Reymerſton Et niſi ꝛc.

Et eſt Concoꝛdia talis ſcil̃t quod Johes Thomas recognovit Manerium Tenementa tres partes ⁊ medietatem cum ptiñ eſſe Jus ꝛc.

A Fine *sur concessit*, of the Moiety of a Mannor, Messuages, Gardens, a Mill, Land, Meadow, Pasture, Wood, Furze and Heath; and of Common of Pasture and Fishing.

Ebor' ss. PRecipe Thome Yoward Armiger' & Marie Ducisse Dotisse Richmond & Lenor' uxori ejus qd̄ juste &c. teneant Willo Jones Armigero Conventionem &c. de Medietate Manerii de Settrington cū ptiñ ac quinquaginta Messuagiorum quadraginta octo Gardinorum unius Molendini ser mille Acrarum Terre ducentarum Acrarum Prati octingentarum Acrarum Pasture sexcentarum Acrarum Bolci septingentarū Acrarum Jampnorum & Bruere Ac de Communia pasture pro omnimodis Averiis & libera piscaria cum ptineñ in Settrington Hoaglithorpe Norton Barwent & Sutton Et nisi &c.

Et est Concordia talis scilt qd̄ pd̄ Thomas & Maria concesserunt pfato Willo predictas Medietat' Communiam pasture & piscar' cum ptiñ Habend' & tenend' eidem Willo a Festo Sancti Michaelis Archangeli ult' preterit' usq; finem termini quigentorum Annor' extunc pxor' sequen' & plenar' complend' (si pdict' Maria tamdiu vixerit) reddend' inde annuatim pdict' Thome & Marie unum Granum Piperis ad Festum Sancti Michis Archangeli annuatim solvend' toto termino pdict' (si pdict' Maria tam diu vixerit) si petatur

tatur Et ꝓdict Thom̃ & hered̃ sui Mar' ꝓdict Willo ꝓdict Pedietak Communiam pasture & piscar' cum ptin̄ sicut ꝓdict est contra ꝓdict Thomam & hered̃ suos toto termino ꝓdict (si ꝓdict Maria tamdiu vixerit) Et ꝓdict Thomas & Maria & heredes ipsius Marie Mar' ꝓdict Willo ꝓdict Pedietak Communiam pasture & piscar' cum ptin̄ sicut ꝓdict est contra ꝓdict Thomam & Mariam & heredes ipsius Marie toto termino ꝓdict (si ꝓdict Maria tamdiu vixerit) Et ꝓ hac &c.

Capt & cognit xix die Octobris Anno Regni Regis Caroli secundi decimo nono coram Orl. Bridgman.

Of certain Messuages, Gardens, Orchards, Land, Meadow, Pasture and Wood. Of the Moiety of a Mannor, 300 Acres of Furze and Heath, and 6 *l.* 13 *s.* 4 *d.* Rent. And of Common of Pasture for all Cattle.

Essex. ss. PRecipe Johanni Abdy Militi & Baronet Johñi Chapman Gen & Robto Abbot Gen̄ qd̄ iuste &c. ten̄ Elia Harvey Militi & Johñi Prestwood Conventionem &c. de tribus Messuagiis tribus Gardinis quatuor Pomariis quadraginta Acris Terre triginta Acris Prati centum Acris Pasture & quinque Acris Bosci Ac de Medietate Manerii de Barringtons alias Barrington cum pertinen' & trecentarum Acrarum Jampnorum & Bruere & sex Librat' tresdecim

cim Solidat' & quatuor Denariat' Reddit' Necnon de Communia pasture pro omnibus Averiis cum pertinentiis in Chigwell Woodford Loughton alias Lowton & Foresta de Waltham Sancte Crucis Et nisi &c.

Et est Concordia talis scilt quod predicti Robertus Johannes Chapman & Robertus recognoverunt prædicta Tenementa Medietat & Communiam pasture cum pertinen esse Jus ipsius Eliab ut illa que iidem Eliab & Johnes Prestwood habent de dono pd Robti Johnis Chapman & Robti.

Of the third part of several Messuages, certain Land, Meadow, Pasture and Wood.

Suff. ff. PRecipe Jemunah Waldegrave qd juste &c. teneat Waldegrave Pelham Armigero & Willielmo Eyat Generoso Conventionem &c. de tertia parte trium Messuagiorum centum & quinque Acrarum Terre viginti & novem Acrarum Prati octoginta & octo Acrarum Pasture & sex Acrarum Bosci cum pti in Bures Sce Marie Cozmarth magna & Cozmarth parva Et nisi &c.

Et est Concordia talis scilt quod dict' Jemunah recognovit prædictam tertiam partem cum pertinentiis esse Jus ipsius Waldegrave &c.

Of

Of the Moiety of a Mannor, and the Moiety of an Advowson of a Church (*inter alia.*)

Ebor' ff. PRecipe Brian Cockayne Vicecomiti Cullen in Regno Hibernie & Elizabethe uxori ejus & Georgio Blunt Arm' & Marie (Vicecomitisse Doctisse Cullen in Regno Hibnie) uxori ejus quod juste teneant Carolo Pawlet Domino St. John de Basing & Johi Norton Baronetto Convencionem &c. de octo Messuagiis uno Molendino octo Gardinis octo Pomariis quingentis Acris Terre ducentis Acris Prati quingentis Acris Pasture triginta Acris Bosci octingentis Acris Jampnor & Bruer viginti solidat Reddit Communia Pasture libe Warenna cum ptin' in Yanging Grimston Uncleby Sirtendale als Thirtendale Kirby Underdale Ac de omnibus & omnimodis Decimis quibuscunq; annuatim provenien' crescen' seu renovand' in Yanging Grimston Uncleby Sirtendale als Thirtendale & Kirby Underdale Necnon de medietate Manii de Yanging Grimston cum ptin' Aceria' de medietate Advocationis Ecclesie de Kirby Underdale Et nisi &c.

Et est Concordia talis scilt quod predict' Brianus & Elizabetha & Georgius & Maria recogn' pdict' Tenementa Communiam pasture Warennam Decimas ac medietatem cum ptin' esse jus &c.

Of

Of certain Meſſuages, Cottages, a Dove-houſe, Gardens, Orchards, Land, Meadow, Paſture, Wood, freſh Marſh, ſalt Marſh, a Wharf, and two Paſſages over the *Thames*; of the Moiety of a Mannor, 100 s. Rent, and of an Advowſon.

Eſſex' ſ. PRecipe P. Y. Baronetto J. M. Armi & R. C. Armi qd juſte &c. teneant J. W. Gen & T. B. Gen Conventionem &c. de decem Meſuagiis octo Cotagiis uno Columbar' decem Gardiuis decem Pomariis treſcentis & ſeptuaginta Acris Terre triginta & quinq; Acris Pati triginta Acris Paſture octoginta Acris Boſci ducentis Acris Pariſci fricti decem Acris Pariſci ſalſi una Wharfa & duobus Paſſagiis ſuper aqua Thamis cum ptin in W. T. D. P. O. S. G. A. P. G. & T. Ac de mediet' Manerii de W. T. als &c. cum pertin Necnon centum ſolidat' reddit cum pertin Acceſſ Advocationis Eccleſie de W. T. & unde &c.

Et eſt Concordia talis ſcilt quod predicti P. J. M. & R. recognoverunt pdict Tenementa Wharfam Paſſagia & Medietat' cum pertin' ac medietatem Advocationis prædictæ eſſe jus &c.

Upon

Upon two Writs of Covenant.

(1) Of the moiety of a Mannor, the moiety of an Hundred, and of ſeveral Meſſuages, Cottages, certain Land, Meadow, Paſture, Wood, Furze and Heath, Moor, Marſh, and 100 s. Rent. Of the moiety of Common Paſture for all manner of Cattle, and of the moiety of View of Frank-pledge, Goods and Chattels of Felons and Fugitives, Felons *de ſe*, Deodands, Waifs, Liberties and Priviledges in the County of *Wiltes*.

(2) Of the moiety of certain Meſſuages, Gardens, Land, Meadow and Paſture, in the County of *Somerſet*.

Wiltes' ſſ. PRecipe Robto Danvers alio Williers Arm & Elizabeth uxori eius quod iuſte &c. teneant Williel Willet Gen Conventionem &c. de medietate Manii de Weſtbury Arund Weſtbury Eas Hewdits Leigh Prioris Weſtbury Leverich Brembridge Hawkeridge Heywood Leigh Seawell cum ptin Ac de medietate Manii de Weſtbury cum ptin Mernon centum Meſuagiorum centum & ſeraginta Cotagior duay mille Acray Terre quadringentay Acray Boſci mille Acray Jampnoy & Bruer ſexcentay Acray Moze ſexcentay Acray Pa riſci & cent ſolidat Reddit Acetia medietat Communie Paſture pro omnimodis Averi Ac de medietate Uis Franc pleg Bonorum

& Catallorum Felonum & Fugitivorum Felonum de se Deodand Waviat Libtat & Privileg cum ptin in Yawkridge Heywood Watton Pilborne Stoke Brooke Penley Liegh Brembridge Le Marh Bilton Chapmanslade Westbury Imber Edington North Bradley Steple Ashton Soudley Trowbridge & Bradford Et nisi &c.

Somset. ff. PRecipe eisdem quod juste &c. teneant eidem Conventionem &c. de medietate octo Messuagior octo Gardinis centū Acrar Terre quadraginta Acrar Prati & seragint Acr Pasture cū ptin in Beckington Rudge Sanderwæke & Berkley Et nisi &c. Et est Concordia talis scilt quod ptict Robtus & Elizabetha recogn ptict medietates & Communiam pasture cum pertin esse jus &c.

Of divers Messuages, Gardens, Orchards, Acres of Land, Wood and Marish ground. Of the moiety of several Messuages, Gardens, Orchards, Acres of fresh and salt Marsh. Of the third part of certain Acres of Marsh ground in *B.* &c. of the Rectory of *B.* And of all and all manner of Tithes, Oblations, Obventions and Portions yearly coming, growing or renewing in *B.* &c. As also of the Advowson of the Vicaridge of the Church of *B.*

Kanc' ff. PRecipe Georgio Pooze Baron & Francisce uxori ejus quod juste &c.

ꝛc. teneant J. M. Arm & T. B. Gen Con
ventionem ꝛc. de duobus Mesuagiis duob
Gardinis duobus Pomariis centum Acr
Terre quinuecim Acris Bolci & centū Acr
Pariſci Ac de medietate trium Meſuagiorū
rtium Gardinorum trium Pomariorum qu
dringentarum & quadraginta Acra Pari
friſci & quadringentay & quinquaginta Acra
Pariſci ſalſi Necnon de ltia pte treſcentu
& quinq; Acray Pariſci cum prīd in P
rochia Sancti Johañ Bapt Byrthingto
Winſter Bobbing Milton Cheatney & Iwa
Aceiam de Rectoria de Bobbing cum per
Ac de omnibus & omnimodis Decimis O
lationibus Obventionibus & Portionibus
nuatim proueniēd creſcēd ſen renovand
Bobbing & Milton Necnon de Advocatio
Vicarie Eccleſie de Bobbing Et mīa ꝛc.

Et eſt Conc̄ordia talis ſcilt quod pdict
Georgius & Francisca recogn̄d pdicta Tene
menta Medietatem trium prem Rectorie
Decimas Oblationes Obventiones & Por
tiones cum prīd ac Advocationem pdict Ec
ſius ꝛc.

Of ſeveral Mannors, Meſſuages, Toſts, a Windmill, Gardens, Acres of Land, Meadow, Paſture, Wood, Furze and Heath, freſh Marſh, ſalt Marſh, Rent, Common of Paſture, free Fiſhing, Liberty of Foldage, free Warren, and View of Frank Pledge. *Of the moiety of divers Mannors, Meſſuages, Acres of Land, Meadow, Paſture, Wood, Furze and Heath, ſalt Marſh, and a Fold Courſe,* with the *Advowſons* of ſeveral *Churches* and a *Chappel.*

Norff. ſſ. PRecipa Chriſtofero Sparke Gen qō juſte ꝛc. teneat Radō Newman Gen Conventionem ꝛc. de Mañiis de Acle Aldby alias Aldby Hall Burough Sancte Margarete Cockthorp Blakney alias Whitterley Howel Hall alꝭ Aſtleys & Wiveton Staffold alias Wiveton Ducis cum ptin & treſdecim Meſuagiis quatuor Toftis uno Molendino ventritico novem Gardinis mille triginta Acris Terre centum & triginta Acris Prati ducentis & ſeſaginta Acris Paſture nonaginta Acris Boſci quingentis & quinquaginta Acris Jampnorum & Bruere quingentis & quinquaginta Acris Pariſci Piſci mille Acr Pariſci ſalſi ſeſdecim libraꝝ Redd Communia Paſture libera Piſcaria libitate trium Faldagiorum libera Warenna & Viis Franc plēg cum ptin in Acle Upton Fiſhley Boyton Burlington Aldby Toſt Wonks Haddiſtoe Haddiſtoe Thorpe Whitmore Furrough Ranengham Thurlton Win-

del Wlnston Kerby Burgo Sancte Marga-
rete Burgo Sancte Marie Billackby Chip-
pesby Oby Waybridge Rotlesby Wartham
Cockthorpe Stiffkey Langham Moulton
Blackney alias Sniterly Warham Binh-
Wiveton Glaundford & Cley Necnon de
Medietate Manior de Netherhall & Stowe
cum ptin ac trium Messuagiorum ducentar
Acrarum Terre quadraginta Acrarum P
ture decem Acrarum Bosci octoginta Acr
Jampnorum & Bruere trescentarum Acra
Parisci & unius Salvagii cum ptin in Co
thorpe Stiffkey Langham Moulton Bla
ney alias Sniterly Warham Binham Wi
ton Glaundford & Cley Acetiam de Advoc
cionibus Ecclesiarum de Acle Thorpe ju
Hadvistoe Cockthorpe Sniterly Blackney
Capelle de Glaunford Et nisi &c.

Et est Concordia talis scilt quod predic
Christoferus recognovit Maneria Tenem
ta Redd Communiam Pasture Piscar
bertat Warennam Vis Franc pleg & m
dietat cum ptin ac Advocationes predic
esse jus &c.

Of Lands in the Isle of *Ely*.

Cantabr' ff. PRecipe Thome Davys & C
zabethe uxori ejus Nouncio
Wallis & Anne uxori ejus & Willo A
quod juste &c. teneant Johanni Colvile G
& Thome Browne Gen Conventionem
de uno Messuagio uno Cotagio uno Gard
an

uno Pomario triginta Acris Terre decem Acris Prati triginta Acris Pasture viginta Acris Marisci & Communia Pasture p̄ omnibus Aḃis cum p̄tin̄ in Insula Elienſi Et nisi &c.

Et est Concordia talis scilt quod p̄dicti Thomas Davys & Elizabetha Mountjoy & Anna & Willielmus recognoverunt p̄dicta Tenementa & Communia Pasture cum p̄tin̄ esse Jus &c.

Capt & cognit 4 die Febr̄uar' Anno decimo septimo Caroli Regis scdi coram nobis

George Rayson.
Jo. Turbill.
Charles Baxter.

Virtute Wr̄it Potest' Cur' Canc' emanat' Teste xxiv. Januarii Anno r̄r̄i.

A Fine levied in the County Palatine of *Lancaster*.

Lanc' ss. HEC est finalis Concordia facta in Curia Domini Regis apud Lancastr' die Martis in quarta septimana quadragesime Anno Regni Domini nostri Caroli secundi Dei Gratia Anglie Scotie Francie & Hibernie Regis Fidei Defensoris &c. quintodecimo coram J. G. Milite & A. C. uno Serviend' dict' Dni Regis ad Legem Justic' eiusdem Domini Regis apud Lancastr' & aliis dict' Domini Regis fidelibus tunc ibi p̄sentibus int' R. T. Y. S. & M. L. quer' & J. M. & W. B. deforc' de Manijs de B.

& S. cum ptin̄ ac duobus Messuagiis tribus Cotagiis &c. cum ptin̄ Unde placitū Conventionis fuit inde int̄ eos scilt quod ꝑdicti J. & W. recogn̄ ꝑdicta Mania & Tenementa cum ptin̄ esse jus &c.

A Fine of three Messuages (acknowledged by the word Messuagia in the Concord.)

London̄ ff. Precipe Benjamino Stone Gen̄ & Margarete uxori ejus quod juste &c. teneant Willielmo Simplon̄ Gen̄ & Josepho White Gen̄ Conventionem &c. de tribus Messuagiis cum ptin̄ in Parochia St. Brigette als St Bride Et nisi &c.

Et est Concordia talis scilt quod prędicti Benjaminus & Margareta recognoverunt ꝑdicta Messuagia cum pertin̄ esse jus ipsius Willielmi ut ilt̄ que iidem Willelmus & Josephus habent de dono ꝑdict̄ Benjamini & Margarete Et ilt̄ remiserunt & quiete clamaverunt de ipsis Benjamino & Margarete & heredibus ipsius Margarete ꝑdictis Willo & Josepho & heredibus ipsius Willielmi imppetuum Et prętea iidem Benjaminus & Margareta concesserunt p̄o se & heredibus ipsius Margarete quod ipsi war̄ prędictis Willo & Josepho & heredibus ipsius Willielmi prędicta Messuagia cum ptin̄ contra ꝑdictos Benjaminum & Margaretam & heredes ipsius Margarete imppetuum Et p̄o hac &c.

Capt

Capt & cogn̄t vicesimo tertio die Julii Anno Regni Regis Caroli scōi quintodecimo coram me
Tho. Tyrril.
} Uno Justic' de Communi Banco p Deū Potestatem Teste 20 Junij Anno 15 supradicto.

A Fine upon two Writs of Covenant of eleven Cottages in *London*, and one Messuage in the County of *Middlesex* (acknowledged by the word Tenementa in the Concord.)

London ss. PRecipe Radō Fræman Militi & Margarete uxori ejus qō juste &c. ten̄ Carolo Baxter Generoso Conven̄ &c. de undecim Cotagiis cum pertin' in Parochia Sancti Stephani Coleman-street Et nisi &c.

Midd' ss. PRecipe eidem quod juste &c. ten̄ eisdem Conven̄ &c. de uno Messuagio cum ptin̄ in Parochia Sc̄i Sepulchri extra Newgate Et nisi &c.

Et est Concordia talis scilt quod predicti Radus & Margareta recogn̄ pdicta Tenementa cum ptin̄ esse jus ipsius Caroli ut ilt̄ que idem Carolus habet de dono pdict̄ Radi & Magarete Et ilt̄ remiserunt & quiete clam̄ de ipsis Radō & Margareta & heredibus suis pdicto Carolo & heredibus suis imppetuum Et pr̄eā iide Radus & Margareta concesserunt p se & heredibus ipsius Radi quod ipsi war pdicto Carolo & heredibus suis predicta Tenementa cum ptin̄ contra pdictos Radum

& Margaretam & heredes ipſius Radi ac contra heredes Willielmi Freeman Arm̃ Patris ipſius Radi & Martini Freeman Armigeri Avi predicti Radi defunct impetuum Et pro hac &c.

Capt & cognit decimo ſeptimo die Junii Anno Regni Regis Caroli ſecundi ſextodecimo coram me

Orl. Bridgman.

Of thirty three Acres of freſh Marſh (by the word Tenementa in the Concord.)

Kanc' ff. PRecipe Johanni Brett Gen̄ & Elizabethe uxori ejus qũ fuſte &c. teneant Thome Major Conventionē &c. de triginta & tribus Acris Paſtur̄ friſci cum ptin̄ in Old Rumney Et niſi &c.

Et eſt Concordia talis fact quod predicti Johannes & Elizabetha recogn̄ dict Tenementa cum ptin̄ eſſe jus ipſius Thome ut ill que idem Thomas habet de dono predict Johannis & Elizabethe Et ill remiſ & quiet clam̄ de ipſis Johanne & Elizabetha & heredibus ſuis dicto Thome & heredibus ſuis imppetuum Et preterea idem Johannes & Elizabetha conceſſerunt p ſe & heredibus ipſius Johannis quod ipſi war' dicto Thome & heredibus ſuis dicta Tenementa cum ptin̄ contra predictos Johannem & Elizabetham & heredes

heredes ipſius Johannis impetuum Et pro hac &c.

Capt & cognit (ut ſupra.)

Of a Mannor, Park, and Scite of the late Monaſtery of *Ramſey*, with ſeveral Meſſuages, Cottages, Toſts, Dove-houſes, Gardens, Orchards, Acres of Land, Meadow, Paſture, Wood, Furze and Heath, Moor, Marſh and Turbary, and of a Rectory.

Hunt' ff. PRecipe Henrico Williams alias Cromwel Arm & Anne uxori ejus quod juſte &c. teneant Johanni Morris Gen Conventionem &c. de Manerio de Ramſey cum ptin ac de Parco de Ramſey cum pt in Necnon de Scitu nup Monaſterii de Ramſey cum pt in Acetiam de decem Meſſuagiis ſexdecim Cotagiis ſexdecim Toftis tribus Columbar viginti Gardinis viginti Pomariis ſexcentis Acris Terre centu Acris Prati quingentis Acris Paſture ſexaginta Acris Boſci quadringentis Acris Jampnorum & Bruere quatuor mille Acris More quatuor mille Acris Mariſci & duabus mille Acris Turbar cum pt in Ramſey & Biggine Ac de Rectoria de Ramſey cum pertin Et niſi &c.

Et eſt Concordia talis ſcilt quod pdicti Henricus & Anna recogn pdcta Mañia Parcum Scitum Tenementa & Rectoriam cum pt in eſſe jus &c.

A Fine *sur Conceſſit* from two Cognizors to one Cognizee, of divers Mannors, Tenements, and of Common of Paſture, and a Rectory, to hold to the Cognizee for 60 years (if the Cognizors or either of them ſo long live) without Impeachment of Waſte, rendring the yearly Rent of a Pepper-Corn, if demanded.

Norff. ſſ. PRecipe R. P. Bar & R. uxor ejus quod juſte &c. tend T. &
(S. T. D.) Com &c. de Pan de P. L.
H. S. W. B. B. E. alias E. alias W.
& H. cum ptin Ac de triginta Meluagiis
tribus Molendinis triginta Gardinis trigint
Pomariis octingentis Acris Terre centum
Acris Prati ducentis Acris Paſture centum
Acris Bolci mille Acris Jampnorum
Bruere & Communia Paſture cum ptin
Paſton Happesburgh Lambs alias Lamas
Scottow Parham Baſton Bromehome Bell-
wicke Knapton Trunch Pundeſley Crome
Gresham Barmingham Eaſt Beckham Weſt
Beckham Aylmerton Felbrigge Rowton
Suſted Petton Town Barmingham North-
wood Barmingham Winter Barmingham
Barmingham parva Mattlaske Plumſted
Hempſted prope Baconſthorpe Baconſthorpe
Wickner Thurkargon Albourogh als Ayle-
borough Edenthorpe alias Edithorpe Croſs-
wicke Ridlington Walcot & Swayfield
Necnon de Rectoria de Paſton cum ptin Et
nis &c.

4 Et

Et est Concordia talis scilt quod predicti R. & R. concesserunt predicto T. predicta Maneria Tenementa Communiam pasture & Rectoriam cum pertinen habend & tenend eidem T. a Festo Natalis Domini ult preterit usque finem termini seraginta annorum extunc proxʾ sequen & plenar' complend si predicti R. & R. seu eorum alter tam diu vixerint sine impetitione alicujus Wasti Reddend inde annuatim predictis R. & R. unum Granum Piperis ad Festum Sancti Michaelis Archangeli annuatim solvend toto termino predicto si petatur si predicti R. & R. seu eorum alter tam diu vixerint Et predicti R. & R. & heredes ipsius R. (viri) warant predicto T. predicta Maneria Tenementa Communiam pasture & Rectoriam cum pertinen sicut predictum est toto termino predicto si predicti R. & R. seu eorum alter tam diu vixerint Et pro hac &c.

Capt & cognit, ut supra.

Upon

Upon two Writs of Covenant.

(1.) Of a Mannor, Park, Meſſuages, Cottages, a Wind-Mill for Corn, Dove-houſes, Gardens, Orchards, Land, Meadow, Paſture, Wood, Furze and Heath, Rent, Common of Paſture, Liberty of Foldage, Free Warren, View of Frank Pledge, and whatever belongs to View of Frank Pledge, Goods and Chattels of Felons and Fugitives, Perſons outlawed and attainted, Felons *de ſe*, and of Deodands in the County of *Cambridge*; And

(2.) Of a Mannor, Park, Meſſuages, a Water-Mill, a Dove-houſe, Gardens, Orchards, Land, Meadow, Paſture, Wood, Furze and Heath, Liberty of Foldage and Rent in the County of *Suffolk*.

Cantabr' ſſ. PRecipe Johanni Cotton Milit & Baronetto & Jane uxori ejus quod juſte &c. teneant Martino Folkes ſeu Gen & Martino Folkes jun Gen Conventionem &c. de Manerio de Cheveley cum ptin ac de Parco de Cheveley cum ptin Necnon de ſex Meluagiis ſex Cotagiis unis Molendino ventritico duobus Columbar ſex Gardinis ſex Pomar tricentis & quinquaginta Acris Terre quadraginta Acris Prati centum & quadraginta Acris Paſture quadraginta Acris Bolci quingentis Acris Jampnorum & Bruere viginti ſolidat Reddit Com

muni

nunia pſture Libertat Faldagii Libera
Marenna Uiſ Franc pleg e quicquid ad
Uiſ Franc pleg ptinet Bonis e Catallis Fe-
onum e Fugitivozum Utlagatozum e at-
inctozum Felonum de le e Deodand cum
tin in Cheveley Athley Silverley Kirtling
Mood Ditton Ditton Wallence Ditton Ca-
nicyes e Serton. Acetiam de Advocatione
Eccleſie de Cheveley Et niſi ꝛc.

uff. ſſ. PRecipe eiſdem quod juſte ꝛc. te-
neant eiſdem Conventionem ꝛc.
e Manerio de Lidgate cum ptin ac de Parco
e Lidgate cum ptin Necnon de duobus
eluagiis uno Molendino aquatico uno Co-
mbar duobus Gardinis duobus Pomariis
ille Acris Terre centum Acris Prati trel-
entis Acris Paſture viginti e quinq Acris
olci trelcentis Acris Jampnozum e Bruere
ibtate Faldagii e triginta ſolidat Redditꝰ
um ptin in Lidgate Dwlden Wickham
Brooke Curtling Athley Cowling Walham
owlton e Bradley parva Ac de Advoca-
one Eccleſie de Lidgate Et niſi ꝛc.

Et eſt Concozdia talis ſcilt quod predicti
ohannes e Jana recognoverunt pdicta Ma-
eria Parca Tenementa Communiam pa-
ure Liberam Marennam Uiſ Franc pleg
quicquid ad Uiſ Franc pleg ptinet Li-
ertat Faldagiozum bona e catalla Felonum
Fugitivozum Utlagatozum e Attinctozum
elonum de le e Deodand cum ptin ac Ad-
ocationes predictas eſſe jus ipſius Martini

ſeiſ

ſeiñ ut ilꝛ que iidem Martinus ſeiñ & Martinus jun̄ habent de dono p̄dictoꝝm Johannis & Jane Et ilꝛ remiſerunt & quiet clamaverunt de ipſis Johanne & Jana & heredibus ipſius Johannis p̄dicto Martino ſeiñ & Martino jun̄ & heredibus ipſius Martini ſeiñ imppetuum Et p̄ꝛeꝛea iidem Johannes & Jana conceſſerunt p̄ ſe & heredibus ipſius Johannis quod ipſi war p̄dicto Martino ſeiñ & Martino jun̄ & heredibus ipſius Martini ſeiñ p̄dicta Maneria Tenementa Communiam paſture Liber Warennam Miſ̄ Franc̄ pleg̃ & quicquid Miſ̄ Franc̄ pleg̃ ptinet Libertat Falvag bona & catalla Felonum & Fugitivoꝝm lagatoꝝm & Attinctoꝝm Felonum de Deodand̄ cum pertiñ ac Advocationes dictas contra p̄dictos Johannem & Janam heredes ipſius Johannis imppetuum Et hac &c.

Capt. & cognit̄ ꝛtio die Marcii Anno Regni Regis Caroli ſcōi ſexto decimo coꝝam me

Jo. Vaughan.

A Fine levied of 100 *l.* annual Rent iſſuing o of ſeveral Mannors, Meſſuages, Cottag Barns, a Dove-houſe, Gardens, Orchar Land, Meadow, Paſture, Wood, Furze a Heath, 40 *s.* Rent, and Free Fiſhing.

Buck. ſſ. PRecipe Thome Iſaac Arm̄ & catherine uxoꝛi ejus Alexand Hurlſto

Hurlston Gen Humfrido Hurlston Gen & Role Hurlston quod juste &c. teneant Carolo Duncombe Gen & Willielmo Bartlett Gen Conventionem &c. de annuali Redditu centum Librarum exeun de & ex Maneriis de Tyringham & Filgrave cum ptin Ac de & ex quinq Veluagiis quinq Cotagiis quinque Horreis uno Columbar quinq Gardinis quinq Pomariis quadringentis Acris Terre ducentis Acris Prati octingentis Acris Pasture tribus Acris Bolci centum Acris Campnorum & Bruere & quadraginta solidat Reddit cum ptin in Tyringham & Filgrave Necnon de libera Pilcaria in Aqua de Owse cum ptin in Tyringham & Filgrave Et mili &c.

Et est Concordia talis scilt quod predicti Thom[illegible] & Katherina Alexander Humfridus & Rosa recogn pdict Redditum esse jus ipsius Caroli ut ilt que iidem Carolus & Willielmus habent de dono pdict Thome & Katherine Alexandri Humfridi & Rose Et ilt remiserunt & quiete clamaverunt de se & heredibus suis predictis Carolo & Willielmo & heredibus ipsius Caroli imppetuum Et preterea iidem Thomas & Katherina concesserunt p se & heredibus ipsius Katherine quod ipsi war predictis Carolo & Willo & heredibus ipsius Caroli pdict Redditum contra pdictos Thomam & Katherinam & heredes ipsius Katherine imperpetuum Et ultius idem Alexander concessit p se & heredibus suis qd ipsi war predictis Carolo & Willielmo & heredibus

bus ipſius Caroli ꝓdict̃ Reddit̃um contra ꝓ
dictum Alexandꝛum & heredes ſuos imꝑ
tuum Et inſuꝑ idem Humfridus concell
ꝓ ſe & heredibus ſuis quod ipſi war ꝓdict̃
Carolo & Willo & heredibus ipſius Car
ꝓdict̃ Reddit̃um contra ꝓdictum Humfrid
& heredes ſuos imꝑpetuum Et etiam ead
Roſa conceſſit ꝓ ſe & heredibus ſuis quod
war ꝓdictis Carolo & Willo & heredib
ipſius Caroli ꝓdict̃ Reddit̃um contra ꝓ
dictam Roſam & heredes ſuos imꝑpetuum
ꝓ hac ꝛc.

Capt̃ & cognit̃ ꝛc. ut ſupꝛa.

A Fine of an Honor, Mannor, Meſſuages, C
tages, Dove-houſes, Gardens, Orchards, La
Meadow, Paſture, Wood, and the Advow
ſon of a Church.

Hertf. ff. PRecipe Willielmo Willough
Domino Willoughby de Par
Georgio Willoughby Arm̃ filio & hered
parent̃ ꝓdict̃ Willielmi Johanni Ca
Arm̃ & Willielmo Whitlocke Arm̃ qui
juſte ꝛc. teneant Matheo Blucke Armiger
Conventionem ꝛc. de honoꝛe de Hunſd
cum ꝑtin̄ ac de Maneꝛio de Hunſdon cum
ctin̄ Necnon de ſex Meſſuagiis ſex Cotagi
duobus Columbar̃ duodecim Gardinis du
decim Pomariis mille Acris Terre quinqu
ginta Acris Pꝛati centum & quadꝛagint
Acris Paſture & quatuoꝛ Acris Boſci cum
pertin̄ in Hunſdon Oakwicke & Stanſt
Acrtin̄

Acciam de Advocatione Ecclesie de Hunsdon Et nisi &c.

Et est Concordia talis scilt quod predicti Willielmus Dominus Willoughby Georgij Johannes & Williemus Whitlocke recognoverunt predicta Honorem Manerium & Tenementa cum ptin ac Advocationem predictam esse jus ipsius Matthei ut ill que idem Matheus habet de dono predictorum Willielmi Domini Willoughby Georgii Johannis & Willi Whitlocke Et ill remiserunt & quiet clam de se & heredibus suis predicto Matheo & heredibus suis imppetuum Et preterea idem Willus Dominus Willoughby concessit pro se & heredibus suis qd ipse war predicto Matheo & heredibus suis predicta Honorem Manerium & Tenementa cum ptin ac Advocationem predict contra predictum Willielmum Dominum Willoughby & heredes suos imppetuum Et ulterius idem Georgius concessit p se & heredibus suis quod ipse war predicto Matheo & heredibus suis predicta Honorem Manerium & Tenementa cum ptin ac Advocationem predictam contra predictum Georgiu & heredes suos imppetuu Et insup idem Johannes concessit pro se & heredibus suis qd ipse war predicto Matheo & heredibus suis predicta Honorem Manerium & Tenemta cum ptin ac Advocationem predictam contra predictum Johannem & heredes suos imppetuum Et etiam idem Willus Whitlocke concessit p se & heredibus suis qd ipse war predicto Matheo & heredibus suis predicta Honorem

rem Manerium & Tenementa cum ptin ac Advocationem ꝓdictam contra ꝓdictum Willielmum Whitlocke & heredes suos impetuum Et p hac &c.

Capt & cognit &c. ut supra.

A Fine *sur Concessit* for ninety nine years (if the Wife of the first Cognizor so long live) of a Mannor, Burrough, Messuages, Tofts, Mills, Gardens, Land, Meadow, Pasture, Wood, Furze and Heath, Rent, Common of Pasture for all Cattle, a Rectory, and the Advowson of a Church.

Wiltes' ff. PRecipe R. Y. Militi & Y. uxori ejus J. M. Arm & R. C. Arm qd juste &c. teneant J. W. Gen Conventionem &c. de Manerio de W. B. als [illegible] cum ptin ac de Burgo de W. B. als [illegible] Necnon de ducentis Messuagiis quadraginta Toftis duobus Molendinis ducentis Gardinis mille Acris Terre ducentis Acris Pasture tribus mille Acris Pasture triginta Acris Bosci octingentis Acris Jampnor & Bruer decem libat decem & novem solidat novem denariat & uno obulat Reddit & Communia pasture p omnibus Aliis cis ptin in Wotton Basset alias Wotton Vetus Broad Hinton Cleeve Pipard Toskenham East Toskenham West Toskenham Brinckworth Lydiard Tregose Swindon & Foresta de Braydon Aretiam de Rectorio de Wotton Basset alias Wotton Vetus cum ptin ac

pt.

de Advocatione Ecclesie de Wotton Basset alias Wotton Vetus Et nisi &c.

Et est Concordia talis scilt quod predicti R. Y. & Y. J. & R. C. concesserunt predicto J. W. predicta Manerium Burgum Tenementa Redditt Communiam pasture & Rectoriam cum pertin ac Advocationem predictam habend & tenend eidem J. a Festo Natalis Domini ultt preteit usq; finem termini nonaginta & novem annorum extunc prox sequen & plenarie complend (si predicta Y. tam diu viverit) Reddendo inde annuatim predictis J. Y. & R. C. & heredibus ipsius J. unum grand Piperis ad Festum Sti Mich Archangeli annuatim solvend toto termino predicto si petatur (si predicta Y. tam diu viverit) Et predicti R. Y. & Y. & heredes ipsius R. [illegible] predicto J. W. predicta Manerium Burgum Tenementa Reddit Communiam pasture & Rectoriam cum pertin ac Advocationem predictam sicut predictum est toto termino predicto (si predicta Y. tam diu viverit) Et predictus J. W. & heredes sui warant predicto J. W. predicta Manerium Burgum Tenementa Reddit Communiam pasture & Rectoriam cum pertin ac Advocationem predictam sicut predictum est toto termino predicto (si predicta Y. tam diu viverit) Et alterius inde R. C. & heredes sui warant predicto J. W. predicta Manerium Burgum Tenementa Reddit Communiam Pasture & Rectoriam cum pertin ac Advocationem predictam sicut predictum est toto termino

pdicto (si pdictus H. tam diu viverit) &c
pro hac vice.

Capt & cognit' stabo die Decembris Anno Regni Regis Caroli secundi vicesimo tertio tam nobis

Anglesey,
Gilbert Gerard,
Tho. Banks.

} Virtute Commissionis de Oyer & Terminer 22 Junii Anno 22 supradicto.

A Precipe of a Mannor, Messuages, Mills, Dove-house, Gardens, Land, Meadow, Pasture, Wood, Furze and Heath, Rent, Fair, Warren, View of Frank Pledge, a Rectory and the Advowson of a Church

Term. H. Precipe Johanni Pretyman Armigero & Elizabethe uxori ejus Edwardo Pretyman Armigero & Margarete uxori ejus Willielmo Pretyman Armig & Johanni Morris Gen. &c. tenend. Thome Waller servienti ad Legem & Sacho Smith, Qui Convenerunt &c. de Manerio de Lovington cum pertin ac de quinquaginta Messuagiis duobus Molendinis uno Columbar' quinquaginta Carucatis mille Acris Terre quadringentis Acris Prati octingentis Acris Pasture trecentis Actis Bosci centum Acris Campi & Bruere centum solvat' Redd' Libr' Warenna &c Franc' plegii cum pertin

Lon-

Lodyngton Milton Launs & Whaddozow alias Whaddoyough Necnon de Rectozia de Lodyngton cum ptin Ac etiam de Advocatione Vicarie Ecclesie de Lodyngton Et alib &c.

Et est Concozdia talis scilt quod ptict Johannes Pzetyman Geozgius & Elizabetha Edwardus Thomas Dolemañ & Margeria Willielmus & Johannes Mozris recogn pzeata Manerium Tenementa Redditt Liberã Warennam Vis Franc pleg & Rectoziam cum ptin ac Advocationem vicariam esse ipius Thome Waller ut ius qũe ipsem Thomas & Nichus habent de dono predicto Johannis Pzetyman Geozgii & Elizabethe Edwardi Thome Dolemañ & Margerie Willielmi & Johannis Mozris Et ill remiserunt & quiete clamaverunt de se & heredibus suis pzedictis Thome Waller & Nicho & heredibus ipius Thome imppetuum Ac pzetea idem Johannes Pzetyman concessit pro se & heredibus suis quod ipse warr pzedicts Thome Waller & Nicho & heredibus ipius Thome pzedicta Manerium Tenementa Redditt Liberam Warennam Vis Franc pleg & Rectoziam cum ptin ac Advocationem pzedictam contra pzedictum Johannem Pzetyman & heredes suos imppetuum Et ulterius idem Geozgius & Elizabetha concesserunt pro se & heredibus ipius Geozgii quod ipse warrant pzedicts Thome Waller & Nicho & heredibus ipius Thome pzedicta Manerium Tenementa Redditt Li-

heram Warennā Wiſ Franc pleg ꝫ Rec
riam cum pertin ac Advocationem pre
tam contra predictos Georgium ꝫ Eliz
tham ꝫ heredes ipſius Georgii imppetu
Et inſup idem Edwardus conceſſit pro
heredibus ſuis quod ipſi warant pred
Thome Waller ꝫ Nicho ꝫ heredibus
Thome predicta Manerium Tenementa
dit Liberam Warennam Wiſ Franc
ꝫ Rectoriam cum ptin ac Advocationem
dictam contra predictum Edwardum
redes ſuos imperpetuum Et etiam
Thomas Doleman ꝫ Margeria concell
pro ſe ꝫ heredibus ipſius Thome quod
warant predictis Thome Waller ꝫ Nic
heredibus ipſius Thome predicta Man
Tenementa Redd Liberam Waren
Wiſ Franc pleg ꝫ Rectoriam cum p
ac Advocationem predictam contra pre
Thomam Doleman ꝫ Margeriam ꝫ he
ipſius Thome imppetuum Acetiam
Willielmus conceſſit pro ſe ꝫ here
ſuis quod ipſi war predictis Thome
ler ꝫ Nicho ꝫ heredibus ipſius Thom
dicta Manerium Tenemenca Redditum
heram Warennam Wiſ Franc pleg ꝫ
ctoriam cum pertin ac Advocationem
dictam contra predictum Willielmum
redes ſuos imppetuum Et denicq idem
hannes Morris conceſſit pro ſe ꝫ here
ſuis quod ipſi warant predictis Thome
ler ꝫ Nicho ꝫ heredibus ipſius Thome
dicta Manerium Tenementa Redditum
heram Warennam Wiſ Franc pleg ꝫ

tozjam cum ytin ac Advocationem predicta
contra predictum Johannem Morris & heredes
tos imppetuum Et p hac &c.

Capt & cognit per supzanominat Johannem Pzetyman Georgium Pzetyman & Elizaberham uxozem ejus Edwardum Hungerfozd Willielmum Pzetyman & Johannem Morris quarto die Augusti Anno Regni Regis Caroli secundi vicesimo secundo tozjam

Georg' Lulls,
Will' Belke.

} Virtute Commissionis de Vedimus Potestatem Teste 22 die Julii Anno 22 supzadicto.

Capt & cognit per supzanominat Thomam Doleman & Margeriam uxozem ejus derimo octavo die Augusti Anno Regni Domini Caroli secundi nunc Regis Anglie &c. vicesimo secundo tozjam nobis

Rich' Pocock,
Phill' Kiftell.

L 3 A

A Fine from eight Cognizors to two Cog
zees, of a Mannor, Messuages, Cottag
Barns, a Dove-house, Gardens, Orchard
Land, Meadow, Pasture, Furze and H
Rent, Free Fishing, and the Advowson
a Church, with special Warranty by the
Cognizor and his Wife, against them
the Heirs of the Husband, and against
Heirs of his Brother and Father, and a
all other claiming against them the
Husband and Wife, Brother and Father
either of them (the other Cognizors
ranting generally against them and
Heirs.)

Buck. ff. PRecipe Willielmo Tyringh
Militi Walnei & Sare uxori
Henrico Wright Armigero Johanni
rhinson generoso Johanni Bathurst Ar
gero Nicholao Lanyon Armigero & D
thæ uxori ejus & Edwardo Backwell
migero quod juste &c. teneant Johanni
ris Generoso & Richardo Mauntney Ju
Generoso Conventionem &c. de Manerio
Tyringham cum pertinen' ac de quin
Messuagiis quinque Cotagiis quinque
reis uno Columbar' quinque Gardinis qu
que Pomariis quadringentis Acris T
ducentis Acris Pasti octingentis Acris
sture tribus Acris Bolci centen' Acris Ja
norum & Bruere & quadraginta solidat
dit cum pertinen' in Tyringham Nerno

de libera Piscaria in Aqua de Ouse cum p-
tin' in Tyringham Acetiam de Advocatione
Ecclesie de Tyringham Et nisi &c.

Et est Concordia talis scilt quod predicti
Willielmus & Sara Henricus Johannes
Butchinson Johannes Bathurst Nicholaus
& Dorothea & Edwardus recognoverunt pre-
dicta Manerium Tenementa & Piscariam
cum pertinen' ac Advocationem predictam esse
jus ipsius Johannis Norris ut ill' que idem
Johannes & Richardus habent de dono pre-
dictorum Willielmi & Sare Henrici Johan-
nis Butchinson Johannis Bathurst Nicholai
& Dorothee & Edwardi Et ill' remiserunt
& quiete clamaverunt de ipsis Willielmo &
Sara Henrico Johanne Butchinson Johanne
Bathurst Nicholao & Dorothea & Edwardo
& heredibus suis predictis Johanni Norris
& Richardo & heredibus ipsius Johannis im-
perpetuum Et preterea idem Willielmus
& Sara concesserunt pro se & heredibus ip-
sius Willielmi quod ipsi nec predictis Jo-
hanni Norris & Richardo & heredibus ipsius
Johannis predicta Manerium Tenementa &
Piscariam cum pertinen' ac Advocationem
predictam contra predictos Willielmum &
Saram & heredes ipsius Willielmi ac contra
heredes Johannis Tyringham Militis fra-
tris predicti Willielmi & Thome Tyring-
ham Militis Patris predicti Willielmi de-
functorum Ac contra omnes alios clamant-
tes per predictos Willielmum & Saram Jo-
hannem & Thomam aut eorum alterum im-

perpetuum Et ulterius idem Henricus concessit pro se & heredibus suis quod ipsi warr predictis Johanni Morris & Richardo & heredibus ipsius Johannis predicta Manerium Tenementa & Pitcariam cum pinen ac Advocationem predictam contra predictum Henricum & heredes suos imperpetuum Et insuper idem Johannes Hutchinson concessit pro se & heredibus suis quod ipsi warr predictis Johanni Morris & Richardo & heredibus ipsius Johannis predicta Manerium Tenementa & Pitcariam cum pinen ac Advocationem predictam contra predictum Johannem Hutchinson & heredes suos imperpetuum Et etiam idem Johannes Warhurst concessit pro se & heredibus suis quod ipsi warr predictis Johanni Morris & Richardo & heredibus ipsius Johannis predicta Manerium Tenementa & Pitcariam cum pinen ac Advocationem predictam contra predictum Johannem Warhurst & heredes suos imperpetuum Et etiam idem Nicholaus & Dorothea concesserunt pro se & heredibus ipsius Nicholai quod ipsi warant predictis Johanni Morris & Richardo & heredibus ipsius Johannis predicta Manerium Tenementa & Pitcariam cum pinen ac Advocationem predictam contra predictos Nicholaum & Dorotheam & heredes ipsius Nicholai imperpetuum Et denique idem Edwardus concessit pro se & heredibus suis quod ipsi warr predictis Johanni Morris & Richardo & heredibus ipsius Johannis predicta Manerium Tenementa & Pitcariam cum pinen ac Advocationem

cationem

tationem predictam contra predictum Edwardum & heredes suos imperpetuum Et pro hac &c.

Capt & cognit p supranomin-tos Nicholaum Lanyon & Dorotheam uxorem ejus decimo nono die Marcii Anno Regni Domini Caroli scdi hunc Regis Anglie &c. vicesimo scdo tozam nobis

Roberto Clayton,
Willielmo Belke.

Capt & cognit p supranominatos Willielmum Tyzingham & Saram uxorem ejus Johannem Bathurst & Edwardum Backwell vicesimo scdo die Junii Anno Regni Regis Caroli scdi vicesimo scdo tozam nobis

Roberto Clayton,
Richardo Marryot.

Capt & cognit p supranominatos Henricum Wright & Johem Hutchinson primo die Julii Anno Regni Regis Caroli secundi vicesimo secundo tozam nobis

Roberto Clayton,
Willielmo Belke.

Virtute Commissionis de Devimus Potestatem Teste nono die Marcii Anno 22 supradicto.

A Fine of divers Mannors, Meſſuages, Gardens, Land, Meadow, Paſture, Wood, Furze and Heath, Courts Leet, Courts Baron, View of Frank-Pledge, Rectories, Tythes, Oblations, Penſions, Portions, and the Advowſons of ſeveral Churches. With five Warranties and four Captions.

Lincoln. ff. PRecipe Georgio Duci Buckingham & Marie uxori ejus Reinaldo Grahme Armigero Georgio Brome Militi Baineī & Elizabethe uxori ejus Johanni Morris Armigero & Robto Clayton Generoſo qđ juſte &c. teneant Thome Read Generoſo & Willo Welke Generoſo Conventionem &c. de Maneriis de Wragby & Terrington cum ptin & de decem Meſuag decem Gardinis trecentis Acris Terre quadraginta Acris ptī ducentis Acris paſture centum Acris Bosci trecentis Acris Jampnozum & Bruere Cur Let Cur Baron & Alis Franc pleg cū ptin in Wragby Harwick Eaſt Terrington Weſt Terrington Houghton alis Holton cū Eeckering Dreyburt Panton & Barkwith Acciam de Redditis de Wragby & Terrington cum ptin Necnon de omnibus & omnimodis Decimis Oblationibus Penſionibus & Portionibus annuatim proveniēt creſcēt ſeu renovand in Wragby Terrington Ac de Advocationibus Eccleſiarum de Wragby & Terrington Et niſi &c.

Et

Et est Concordia talis facta quod predict Dux & Maria Ranaldus Georgius & Elizabetha Johannes & Robtus recognoverunt predicta Maneria Tenementa Cur Let Cur Baron Vis Franc plegi & Rectorias cum pertin ac Decimas Oblationes Pentiones & Portiones ac Advocationes predict esse jus ipsius Thome Ut ille qui idem Thomas & Willielmus habent de dono predictorum Ducis & Marie Ranaldi Georgii & Elizabethe Johnis & Roberti Et ille remiserunt & quiete clamaverūt de ipsis Duce & Maria Ranaldo Georgio & Elizabetha Johne & Robto & heredibus suis predict Thome & Willo & heredibus ipsius Thome imperpetuum Et preterea idem Dux & Maria concesserunt pro se & heredibus ipsius Ducis quod ipsi war predict Thome & Willo & heredibus ipsius Thome predicta Maneria Tenementa Cur Let Cur Baron Vis Franc plegi & Rectorias cum pertin ac Decimas Oblationes Pentiones & Portiones ac Advocationes predict contra predict Ducem & Mariam & heredes ipsius Ducis imppetuum Et ulterius idem Ranaldus concessit pro se & heredibus suis quod ipsi war predict Thome & Willo & heredibus ipsius Thome predict Maneria Tenementa Cur Let Cur Baron Vis Franc plegi & Rectorias cum pertin ac Decimas Oblationes Pentiones & Portiones ac Advocationes predictas contra predict Ranaldum & heredes suos imppetuum Et insup idem Georgius & Elizabetha concesserūt p se & heredes ipsius Georgi quod ipsi war pd Tho. & Willo & heredes ipsius Tho. pd Mania

Tene-

Tenemta Cur Let Cur Baron Mis Franc pleg & Rectorias cum prin ac Decimas Oblationes Pentiones & Pozciones ac Advocationes pdict contra pdict Georgium & Elizabetham & hereves ipius Georgii imppetuum Et etiam idem Johes concessit pro se & heredibus suis qs ipli war predict Thome & Willo & heredibus ipius Thome pdict Maneria Tenementa Cur Let Cur Baron Mis Franc pleg & Rectorias cum prin ac Decimas Oblationes Pentiones & Pozciones ac Advocationes pdict contra predictum Johnem & hereves suos imppetuum Et idem Robertus concessit pro se & heredibus suis quod ipli war predictis Thome & Willo & heredibus ipius Thome predicta Maneria Tenementa Cur Let Cur Baron Mis Franc pleg & Rectorias cum prin ac Decimas Oblationes Pentiones & Pozciones ac Advocationes predictas contra pdictum Robtum & heredes suos imperpetuum Et pro hac &c.

Capt & Cognit per supranominatos
Ducem & Mariam ux' ejus vicesimo
scdo die Junii Anno Regni Regis
Car Scdi vicesimo scdo cozam
Edwardo Christian,
Georgio Lulls.

Capt & cognit p supnominatos Johem Morris & Robtum Clayton eisdem die & Anno cozam
Philippo Kistel,
Georgio Lulls.

Capt

Capt & cognit per ſpranominatum Ranaldum Crahine viceſimo octavo die Junii Anno viceſimo ſecundo ſupradicto coram

Georgio Lulls,
Tho. Mayhew.

Capt & cognit per ſupranominatos Georgium Brown & Elizabetham uxorem ejus prima die Julii Anno viceſimo ſecundo ſupradicto coram nobis

Philippo Kiſtell,
Tho. Pearſe.

Note, In a Recovery upon this Fine the Demandant counted —— quod fuit ſeiſit de Maneriis Tenementis Cur Let Cur Baron Uis Franc pleg & Rectoriis prædictis cum pertinen ac de Decimis Oblationibus Penſionibus & Portionibus prædictis in dominico ſuo ut de feodo & jure Ac de Advocationibus prædictis ut de feodo & jure &c. And the Warranties were —— Et gratis Maneria Tenementa Cur Let Cur Baron Uis Franc pleg & Rectorias prædict cum pertinen ac Decimas Oblationes Penciones Portiones & Advocationes prædict ei war &c.

A Fine upon two Writs of Covenant.

Of a great number of Mannors, ſeveral Hundreds, many Meſſuages, divers Mills, Dovehouſes, Gardens, great quantities of Land, Meadow, Paſture, Wood, Furze and Heath, More, Marſh, Alder, Land covered with Water: Of Rent, Free Fiſhing, Liberty of Foldage, Courts Leet, View of Frank-Pledge; Of a Rectory and the Advowſons of ſeveral Churches in *Suffolk*. And

Of ſeveral Mannors, Meſſuages, Mills, Dovehouſes, Gardens, Land, Meadow, Paſture, Wood, Furze and Heath, More, Marſh, Alder, Rent, Free Fiſhing, Liberty of Foldage, View of Frank-Pledge, a Rectory, and the Advowſons of a Church, and the Vicaridge of a Church in *Norfolk*.

Suff. ſſ. Præcipe Willo Heveningham & Marie uxori ejus qd ſulle &c. teneant Brianо Cokayne Armig Vicecomiti Cullen in Regno Hibernie Radulpho Banks Militi Tho. Fanſhawe Militi Balnei Edro Pit Ar & Carolo Cornwallis Ar Com &c. de Manerijs de Milton Hockwolde cum Milton alias Milton cum Hockwolde Ponynges als Milton Ponynges alias Hockwolde Ponynges Scales alias Milton Scales alias Hockwolde Scales Puncfozdes alias Holckwolde Puncfozdes alias Milton Puncfozdes Stewkeis Scynton Lowſtoft alias Leyſtoft Caſt-

Eastliet Westliet Northliet Southliet Collestone Pucford Carleton Bromeholme in Carleton Colvile Hensted alias Blunston Savages Hensted Blundeston alias Blunstons Hensted alias Hensteds Perpounds alias Pornings Fritton alias Freton alias Fretons Pastons Blundeston alias Gunviles alias Scroopehal alias Gunviles Blunston Heveningham Walpool Uppeston alias Ubbeston Cookely Sybton Hall & Chickeringe cu pertin' &c de Hundredis de Lochingland & Pucford cum pertin' Acriam de centum Selungis duobus Solendinis duobus Columbar centum Gardinis tribus mille lx & quinquaginta Acris Terre quingentis Acris Prati quingentis Acris Pasture quadringentis & lxxxta Acris Bolei trescentis Acris Jampnorum & Bruere trescentis Acris Boze mille Acris Partici centum Acris Alneti octaginta Acr' Terre aqua cooperte decem Libat' Redd' libera Piscaria Libertat' duarum Faldagiorum Cur' Let & Mis Franc' plcs cum pertin' in Brandon Lakenheath Hensted Blundeston als Blunston Wrentham Fritton alias Freton Benacre alias Benaker Bellingham Southcove Frostenden alias Frostenden North Yales Roydon Uggehal Stoven Rushmer Redham magna Redham parva Beccles Somerleyton alias Somerly Town Hopton Mlton Cotton Flixton Lounde Belton Herringfleet Gunton Lowstoft Athey Bradwel Burrough Collestone Sotterly Welton Northbrove Askwaby Gisleham Barnaby Panefield Bir-

by

by alias Birkley Bzanby Caſtle Southlowm Shavingfield Ellow Willingham Heveningham Walpool Uppeſtone alias Ubbeſton Eveskley Sybton Chickering Huntingfield Larfield & Peakeval Necnon de Advocationibus Eccleſiarum de Henſted Blundeſton alias Blunſton Fritton alias Freton & Carleton Colvile Et niſi &c.

Norff. ſſ. Precipe eiſdem quod juſte &c. teneant eiſdem Conventionem &c. de Manſis de Wilton Hockwolde als Hockwolde cum Wilton alias Wilton cū Hockwolde Pouynges alias Wilton Pouynges alias Hockwolde Pouynges Scales alias Wilton alias Hockwolde Scales Huntingdes alias Wilton Huntingdes alias Hockwolde Huntingdes Stewkeis Stinton Ketteringham & Cattings cum pertiñ Ac centum Peſtagiis duobus Molendinis duobus Columbar centum Gardinis duabus mille & quingentis Acris Terre ducentis ſexaginta Acris Prati ſeptingentis Acris Paſture centum & ſeptuaginta Acris Boſcı trecentis Acris Jampuorum & Bruere trecentis Acris Moræ mille Acris Partici cum Acris Alneti centum Solivat Revoit libera piſcaria Libertat trium Fayragiorum Uſus Franc pleg cum pertiñ in Hockwolde Wilton Feltwell Bzanton Weting Ketteringham Yetherlett Carleton Cantlowe & Anrwood Acetiam de Rectoria de Ketteringham cum pertiñ Necnon de Advocatione Eccleſie Sancti Petri in Hockwolde ac Advocatione

vocatione

vocatione Vicarie Ecclesie de Ketteringham &c. nisi &c.

Et est Concordia talis scilicet quod predicti Willus & Maria recogn̄ predicta Maneria Hundreda Tenementa Redditt Piscarias Libertat Cur Let Mis Franc pleg & Rectoriam cum pertinen̄ ac Advocationes predictas esse jus ipsius Briani ut ill que idem Brianus Radulphus Thomas Edwardus & Carolus habent de dono predictorum Willi & Marie Et ill remiserunt & quiete clamaverunt de ipsis Willo & Maria & heredibus suis predictis Briano Radulpho Thome Edwardo & Carolo & heredibus ipsius Briani imperpetuum Et preterea idem Willus & Maria concesserunt pro se & heredibus ipsius Willi q̄d ipsi var predict Briano Radulpho Thome Edwardo & Carolo & heredibus ipsius Briani predicta Maneria Hundreda Tenementa Redditt Piscarias Libertat Cur Let Mis Franc pleg & Rectoriam cum pertin ac Advocationes p̄d contra p̄d Willum & Mariam & hered ipsius Willi imppetuum.

Capt & cognit quintodecimo die Novembris Anno Regni Dñi nostri Caroli Scdi nunc Regis Anglie &c. tertiodecimo coram

Jo. Morris,
Tho. Brown.

M Virtute

Virtute Brevis de Dedimus Potestatem
Teste 7 Nov. eod Anno.

Note, See the King's Letter directed to the Justices of the Court of *Common Pleas* at *Westminster*, to pass these two Fines in order to the suffering two Recoveries of the same Lands Entred upon a Plea [illegible] in *Michaelmas* Term, *Anno* 13 Car. *Rot.* 213. amongst the Entries of Mr. *Townsends* (now Mr. *Townsends*) Office of the Term.

Thus have we set down the several Forms of Fines levied upon a Writ of Covenant, being now disused or altogether in use; though (as before observed) a Fine may be levied upon a Writ of *Warrantia Chartæ* or a Writ of Right, or a Writ of Meine, or a Writ of Custom and Services, &c. in which Cases the Form is observed, *viz.*

The Writ is served upon the Party that is to acknowledge the Fine, and then he appearing doth accordingly: See *Dyer fol.* [illegible] *num.* 46. See *West sect.* 23.

A Deed to lead the Use of a Fine.

THis Indenture made &c. Between *F. H.* of *M.* in the County of *K.* Gentleman, and *S.* his Wife, and *T. A.* of *W.* in the same County Gentleman, and *A.* his Wife of the one part; and *R. S.* of *H.* in the same County Yeoman, of the other part, Witnesseth, That it is covenanted, granted, concluded, condescended and agreed by and between the said Parties to these presents Indenturs, in manner and form following (that is to say) First, That the said *F. H.* and *S.* his Wife, *T. A.* and *A.* his Wife, shall and will within the space of six Months next ensuing the Date hereof, by due course of Law acknowledge and levy, unto the said *R. S.* and his Heirs, before the Justices of his Majesty's Court of *Common Pleas* at *Westminster*, one Fine *Sur Conuzance de droit come ceo*, &c. whereupon Proclamations may be had according to the form of the Statute in that Case made and provided; of and for one Messuage or Tenement, one Barn, one Garden, one Orchard, and one piece or parcel of Land thereunto belonging, containing in all by estimation one Acre more or less, situate, lying and being in *M.* in the County aforesaid, and now in the Tenure or Occupation of *I. W.* or of his Assigns, bounding and abutting to the Lands belonging to the Dean and Chapter of *Christ-Church Canterbury* towards the South and West, to the Lands now or late of *T. H.* towards the East, and to the Kings High-way towards the North. Which

Fine as aforesaid agreed upon to be levied, sha
be levied by the name of one Messuage, o
Barn, one Garden, one Orchard, and one Ac
of Land, with the Appurtenances in *M.*
the County aforesaid, or by such other ap
fit name or names as shall be thought fit
convenient. And it is hereby further cove
ed, granted, concluded, condescended and ag
by and between the said parties to these
sents, that the said Fine as aforesaid agreed
on to be levied by the Name aforesaid,
what other Name or Names soever, or in
other manner and form soever shall be and
And also the said *R. S.* and his Heirs shall
and be seized of the Premisses aforesaid, a
every part and parcel thereof, to the onl
and behoof of the said *R. S.* his Heirs an
signs for ever, and to no other uses, inten
purposes whatsoever. In Witness, &c.

Of the Effect and Operation of Fines.

WE now come to consider the Effect
Operation of Fines, wherein it
be noted, That a Fine at this day is a final
which doth conclude, bar and discharge
ever, as well Parties as Privies, and Estran
to the same.

Exc

Except { Women Covert, (other than such as be Parties.)
Persons being within the Age of 21. at the time of levying thereof.
Persons in Prison, or out of the Realm. And
Persons of unsound Mind.

These and their Heirs have 5 years time to pursue their Right after these Imperfections be removed.

These are excepted, not being Parties to such Fines. *Quod nota.*

Saving also to Estrangers to such Fines, such Right, Title, Claim and Interest, as they have the Land contained in the Fine at the time of the Ingrossing thereof; so that they, or their Heirs, pursue the same by Action or lawful Entry within five years after Proclamations thereupon made according to the Statutes. And saving to all other Persons such Action, Right, Title, Claim and Interest in or to the Land, as shall grow, descend, remain or come after the Fine ingrossed, and Proclamations made, by force of any Cause or Matter had or made before the Fine levied, so that they pursue their Action, Right or Title within five years next after that it to them accrued. See the Stat. of Fines, 18 *Ed.* 1. 4. 34 *Ed.* 3. 16. 1 *R.* 3. 7. 4 *H.* 7. 24. 32 *H.* 8. 36.

Here an Action is maintainable against the Pernor of the Profits.

Here also the Action is maintainable against the Pernor of the Profits.

For the Explication of these Statutes observe;

That the Persons to be barred by a Fine are the Parties to the Fine, the Privies and Estrangers.

Parties to the Fine how barred.

The Parties are really barred, although they

be Ideots or *Non compotes mentis*. *Co. Lit.* 247. *Co. Inst.* 2d *Part* 519.

So the Fines of Men that have the Lethargy, old doting Persons, drunken Men, &c. (though they ought not to be received, yet being received) are unavoidable and binding. 17 *Ed.* 3. 5. 78. 17. *Ass.* 17. *Plowd.* 368. 4 *Co.* 124.

Infant party.

The Parties themselves to the Fine (if they be of the Age of 21 years) are for ever bound by the Fine, and have no time given them to Claim to avoid it: But an Infant is preserved during his Minority; so that if he pass away his Estate by Fine, it may be reversed at any time during his Minority, but not afterwards. 17 *Ed.* 52. 78. 59 *Ed.* 3. 5. 2 *Buls.* 320.

Such as are blind, deaf or dumb naturally or accidentally, if they can express their mind in writing, may in some cases be barred by their own, or by the Fines of another Man.

Privies how barred.

Privies who.

PRivies, being Heirs and Executors to the Parties (void of Impediment at the time of the Fine levied or not) if they claim by the same Title that their Ancestor had that levied the Fine, are barred for ever by the Fine.

Privies in Blood.

And by Privies also are understood Privies in Blood, not only the Heir at the Common Law, but Heirs by Custom, as Burrough English, Gavelkind, and the like, who claim as Heirs by Custom. But by Privies are not intended such

Privies

Privies in Estate, as are Joynt-Tenants, Donor and Donee, Lessor and Lessee, or the like, 2 *Co. Inst.* 516.

That the Son shall never have remedy upon a Fine levied in the time of his Father, and the five Years after the Proclamations passed, but in case where the Right begins first to be a Right in the Son, *Pop. Rep.* 113. *Plow.* 369. A Son's Remedy.

Privies or Heirs in Estate and Blood, as he that is Heir to him, to whom the Land doth or should descend, are within these Statutes, and shall be barred by the Fine of their Ancestor of that Land: And so also shall Privies in Estate, that are not Privies in Blood, as where one hath Land in Burrough English, and levies a Fine of it, hereby the younger Son is barred. If my Father disserze my Grandfather of an Estate in Fee, and thereof levy a Fine with Proclamations, and hurt my Grandfather, and then my Father dys, I am now barred as privy, for that I cannot otherwise convey my self to the Lands than as Heir to my Father the Conusor, *Dyer* 3. Privies in Estate and Blood barred by the Fine of the Ancestor. Disseisor.

But one that makes his Title as Heir by another and not by him that levied the Fine, may not be barred. 1 *Crook* 377. Title by another and not by the Conusor.

Also he that is privy in Blood only, and not in Estate also, is not within these Statutes, neither shall he be barred by the Fine. As if Lands be given to a Man and the Heirs Females of his Body, and he hath a Son and a Daughter, and the Son levy a Fine and die without Issue, this is no Bar to the Daughter; for though she be Heir to his Blood, yet she is no Heir to the Estate, Privy in Blood and not in Estate.

state, not hath the need to make her Conveyance to it by him; but if the Father had levied, it would have been otherwise, *Trin.* 21 *Jac. C. B. Godfrey's* Case.

If Husband and Wife Tenants in special Tail, have Issue and the Wife die and the Husband marry another Wife and have Issue, and levy a Fine *Sur Conizance de droit come ceo*, &c. and by the same Fine take an Estate in special Tail, the Remainder over, *&c.* and dye; In this Case the Issue by the first Wife is barred, for that he is privy in Blood notwithstanding the Continuance of Possession in the Husband, *Dyer* 354.

So if Lands be given to Husband and Wife in special Tail, the Remainder to the right Heirs of the Husband in Fee, and he alone levies a Fine with Proclamations of it. By this the Issue in Tayl may be barred; for he cannot otherwise convey himself to the Tail and descent in Tail than as Heir of the Body of Father and Mother, *Dyer* 3. 254. *Bro. Fines* 109.

Estrangers barred and who.

Persons having present Right without Impediment.

SUch Estrangers as are to be concluded by a Fine, are all Persons whatsoever, that either have present Right and no Impediment, who are barred by five years after Proclamations, if they make not their Claim within that time, and so as well Tenant for years, Tenant by Statute Merchant and Staple, Copyholders and Customary-holders, as Tenant of Free-hold and Inheri-

Inheritance, if they be out of Poſſeſſion or Seiſin at the time of the Fine levied, are barred; for a Fine levied by a Stranger (by the Common Law) cannot bar him that is in Poſſeſſion, 2 *Co. Inſt.* 517.

Or they are ſuch as have preſent Right, and have Impediments, as Infants, Perſons in Priſon; *Non ſanæ memoriæ*, &c. And theſe are barred if they make not their Claim, &c. within five years after the Impediment removed; And if after Proclamation their Impediments be wholly removed, and afterwards they fall into the like again and die, their Heirs ſhall not have five years Claim anew; but the firſt years begun immediately after the firſt removal ſhall run on to five years, *Plowd.* 375.

Perſons having preſent Right with Impediments.

Or they are ſuch as have no preſent but future Right upon Caſue precedent, and then ſuch Strangers to Fines being void of Impediments, whoſe Right or Title cometh or deſcendeth to them after the Proclamations, have five years after the coming of ſuch Right, 1 *R.* 3. 7. 4 *H.* 7. 24. *Plowd.* 378. *a. b.* So he in Remainder or Reverſion depending upon an Eſtate of Free-hold after the Reverſion or Remainder accrueth, hath five years to enter; and if he die before Entry, his Heir hath only five years to enter after the death of the particular Tenant, *Plowd.* 374. *a. b.* But if theſe have Impediments, they ſhall have five years after the Impediment removed, *Plowd.* 364. *a.*

Perſons having future Right and no Impediments.

Future Right with Impediments.

Or they are ſuch as have neither preſent nor future Right at the levying of the Fine by reaſon of any Matter had afore the Fine, whoſe Right groweth

Perſons having neither preſent nor future Right by reaſon of any Matter had afore the Fine.

groweth either intirely after the Proclamations or partly before, and partly after. And these may enter and claim when they please within the time of Prescription, as if the Father lie seized, his Eldest Son being profess'd in Religion, and the Younger Son entreth, and is disseised, and a Fine with Proclamations levied, and after the Eldest Son is deraigned, *i. e.* discharged of his Profession or Religion; it seemeth he is bound to no time, but may claim when he will. *Plowd.* 3. *Stowel's* Case.

Note, If a single Woman being an Estranger to the Fine, having present Right, take an Husband, who suffereth the five years to incur, he is for ever barred. *Plowd.* 366. *a.*

They that have Right of a Reversion or Remainder expectant upon an Estate Tail or for Life, shall have five years after their Title accrues them to make their Claim. 2 *Co.* 518.

Corporations.

Civil Bodies and Corporations having an absolute Estate so as to maintain a Writ of Right, as Mayor and Commonalty, Dean and Chapter, &c. are barred presently as Privies, and within five years as Estrangers, as if one disseize a Corporation of Land belonging to its and after levy a Fine of it with Proclamations, and they claim not, &c. within the five years, they are barred. *Plowd.* 537, 538.

Every Successor new five years.

But in such Case of a Fine levied by a Disseisor or other, every Successor or Successors Head of the Corporation shall have a new five years to make their Claim. *Plowd.* 538.

So

So every Officer that hath Land appertaining to his Office, as Parker, Foreſter, Keeper of a Gaol, &c. will be barred by Non-claim after a Fine levied by a Diſſeiſor, and after five years paſt after the Proclamations: But the Succeſſor ſhall not be bound, if he alſo ſhall not ſuffer five years to paſs in his time. So that theſe and Corporations are by their Laches barred only for their own time, *Plowd.* 537.

Spiritual Perſons.

Deans, Biſhops, Maſters of Hoſpitals, Parſons, Vicars, Prebendaries, &c. which may not have a Writ of Right, are not barred by five years; for they are reſtrained by divers Statutes to levy a Fine to conclude their Succeſſors of ſuch Land as they hold in Right of their Churches, Houſes, &c. Nor will the Non-claim of ſuch prejudice their Succeſſors, *Plowd.* 138, 375, 378, 538. &c. And it is a Rule, That ſuch Perſons as may not have a Writ of Right, but either a *Jure Uxoris*, or *ſine aſſenſu Capituli*, are not barred by ſuch Fines, if the Patron and Ordinary join not with them, *Fitz. N. B.* 118.

The time of Claim from the whole as to Strangers.

By the ancient Common Law, he that had Right was to make his Claim, &c. within the year and a day of the Fine levied and the Execution thereof, or he was barred for ever, but this Bar is gone. And if ſuch a Fine without Proclamations be now levied, he that hath Right may make his Claim or Entry, &c. at any time to prevent the Bar, *Co. Lit.* 254, 262.

The

The Time of Claim.

A Leſſee for years ſhall have five years from the Commencement of his Leaſe to claim, 2 *Cro.* 60. He that hath two Title ſhall have two five years to make his Claim, *Jenk. Cent.* 6. *Caſe* 45. Five years are given after a Remainder doth fail, and five years after the Forfeiture of Tenant for Life, and five years for a Woman to claim her Dower after her Husband's death, *Plowd.* 374. *Dyer* 3. 19 *H.* 8. 7. An Infant ſhall have five years after he comes to his full age, although he was in his Mothers Womb at the time of the Fine levied, *Plowd.* 539. Madmen, &c. have five years after Caſe of their Maladies, although the Infirmity happen after the Fine levied, and before the laſt Proclamation, *Plowd.* 339, 367, 375, 377. *Dyer* 3. Eſtrangers out of the Realm at the time of the Fine levied, ſhall have five years after their return; ſo alſo if they were in *England* at the Fine levied, and within the five years be ſent in the King's Service and by his Commandment, *Plowd.* 366. If the Party be beyond Sea at the time of the Fine levied, and never return but die there, the Heir ſhall not be barred at all, Sir *Tho. Cotton's* Caſe, 20 *Eliz.* If he be in *Ireland* or *Scotland*, he ſhall be ſaid to be out of the Realm, 4 *H.* 7. *Plowd.* 367. They who have divers Defects, have five years after the laſt Infirmity removed; but if they be divers Impediments, and one wholly

wholly removed, and afterwards they fall into the like again and die; the first five years begun in the Ancestors time shall proceed and be reckoned to the Heir, and he shall at the end be bound, as the Ancestor should, if he had remain'd free all the five years, *Plowd.* 375. *Dyer* 133.

If he that hath Right be beyond Sea at the time and never return, the Heir is not limited to time. And so it is of an Infant being Party to the Fine having present Right, if he dieth in his Infancy, his Heir is not limited: And so it is of a Person *Non compos mentis* by the Act of God; or a Man in Prison by the Act of the Law; or a Feme Covert by her own Act if she die so, being no Parties to the Fine, 2 *Co. Inst.* 319, 320. *Plowd.* 366.

Note, That the Estates to be barred by a Fine are either Estates by Common Law, or by Custom, as Copyhold. And those either in Fee Simple, Fee-Tail, for Life, or for Years. The Estates also of Tenants by *Elegit*, by Statute-Merchant and Staple; and the Estates of a Guardian and Executors that are to hold Lands till Debts and Legacies paid, 5 *Co.* 123. *Saffin's* Case. 2 *Cro.* 60. *Goldsb.* 171. Of the Estate to be barred.

The things whereunto these Statutes do extend are Lands and Tenements only, and not Rents or other Profits aprender out of the Land; and therefore if a Fine be levied of a Rent or Common of Pasture, and he that hath Right doth not make his Claim; this is no Bar, 2 *Cro.* 61. So if I have Estovers out of the Land, or a Way To what things the Statutes extend.

over

over the Land, and the like. *Plowd.* 378. 4 *Co.* 124. *Bac. Fines* 123.

Leſſee, &c. how barred.

If Leſſee for years or Tenant by Statute or Elegit be ouſted, and a Fine with Proclamations levied, and five years paſt, they are all barred, *Plowd.* 374.

If one make a Leaſe for years to begin after the end of another Term of years then in being: The firſt Leaſe for years ends; the ſecond Leſſee doth not enter, but ſuffer him in Reverſion to enter, and he makes a Feoffment, and levies a Fine with Proclamations, and the five years paſs; in this Caſe this Intereſt by the ſecond Leaſe is barred, 5 *Co.* 123. 2 *Cro.* 60. See 1 *Cro.* 77.

Leſſor and Leſſee.

If Leſſee for years be ouſted, and by it the Leſſor diſſeiſed, the Diſſeiſor levy a Fine, and five years paſs with Proclamations without Claim: In this Caſe the Leſſor and Leſſee both are barred, 2 *Cro.* 60. *Co.* 377. *Fermor's* Caſe.

Copyholder and Lord.

If one enter upon and put out a Copy-holder in Fee of Land, and levy a Fine thereof, and the Copy-holder ſuffer five years to paſs without Claim, &c. the Copy-holder and the Lord both are hereby barred for ever. And yet if a Copyhold Eſtate be granted to one for Life, the Remainder to another for Life, and the firſt Copyholder taketh a Bargain and Sale of the Freehold from the Lord, and then levies a Fine with Proclamations and five years paſs, by this the Copyhold Eſtate in Remainder is not barred. *Brownl.* 2*d part* 153.

Leſſor, Leſſee.

And if a Leaſe made for years, and the Leſſor or another, before the Entry of the Leſſee levy

levy a Fine with Proclamations, and the Leſſee doth not make his Claim within five years, by this the Leſſee is barred of his Intereſt for ever, 5 *Co.* 124. 9. 106. *Goldsb.* 171. And the Right of a Term will be barred by a Fine, if the Leſſee were or might have ever been in poſſeſſion before the Fine levied, *Hill.* 43 *Eliz. Coote* and *Atkinſon's* Caſe. But if *A.* be Copyholder for Life, the Remainder for Life, the Lord bargain and ſell, and levy a Fine to *B.* this deſcendeth to *C.* who levies a Fine, five years paſs without Claim of him in Remainder, this is no Bar; Adjudged 3 *Co.* 104. *Podger's* Caſe. Copyholder.

Concerning the Fines of Husband and Wife.

IF the Wife be within Age, and ſhe and her Husband levy a Fine of her Land, they may by Writ of Error reverſe it, and it ſhall be reverſed as to both of them, *Leon.* 115, 317. Wife within Age.

A Woman that has an Husband ought not to be admitted alone without her Husband in any Caſe to levy a Fine: But if without her Husband ſhe be admitted to levy a Fine of her own Lands, wherein ſhe hath Fee-ſimple, the Husband may avoid it by Entry or otherwiſe during her Life, (or if he be Tenant by Curteſie, he may do it after her Death) but if he do not, it is a good Fine, and will bind her and her Heirs for ever. Wife levies a Fine of her own Land without her Husband.

Except ſhe be an Infant at the time of the Fine levied, and her Husband happen to dye during Exception.

during her Minority; For in this Case (if it be not a Fine *sur* Grant and Render to her in Tail or for Life) she may avoid it during her Minority: And yet if in this Case the Coverture do continue till her full Age, she may not avoid it unless her Husband joyn with her in it.

Husband and Wife together.

But the Husband and Wife together either to dispose of her own Land, or to bar her of any Joynture or Dower upon her Husbands Land, may and ought to be received to levy any Fine, as any other Man or Woman may do, 12 *Co.* 122. 7. 8. 27 *Ass.* 51. *Co. Inst.* 3*d part* 515. *Hugh. Rep.* 940.

Husband levies a Fine of the Wifes Land without her.

If the Husband without the Wife levy a Fine of the Wifes Lands, she and her Heirs may avoid it after his Death; but if she do not make her Claim, &c. within five years after her Husbands Death, then she is barred of her Right for ever notwithstanding the Stat. 32 *H.* 8. and so are her Heirs barred for ever, as is said then. *Dyer* 72. *Plowd.* 373. *Lit. Sect.* 731.

Husband levies a Fine of his own Lands and dyes. Bar of Dower.

If the Husband levy a Fine of his own Land and die, and his Widow having no Impediment doth not make her Claim within five years after his Death, hereby she is barred of her Dower for ever. 2 *Co.* 93. *Dyer* 224. *Goldsb.* 142. *Co. Inst.* 3. 216. *Leon.* 3. 221.

Bar of Joynture, but not of Dower.

If a Joynture be made to a Woman after the Coverture, and her Husband and she levy a Fine of it, by this she is without question barred of her Joynture in the Land; but it is thought that this will be no Bar to her of her Dower of the residue of the Land of the Husband, and especially where that the Fine is *Sur Cognizance*

de Droit come ceo, &c. Dyer 358. For that the Election to have Jointure or Dower, is not given to her till her Husbands death, *Leon.* 285.

The Husband and Wife Tenants in ſpecial Tail, the Husband alone doth levy a Fine and die, the Wife may enter, but the Iſſue is barr'd, *Moor Rep.* 28. *Caſe* 90. Wife ſaved, and Iſſue barred.

If Husband and Wife be Tenants in ſpecial Tail, and they levy a Fine at Common Law, and take back an Eſtate to them and their Heirs, by this the Eſtate Tail is not barr'd, for here ſhe is not examined, and yet againſt a Fine levied by her ſelf ſhe ſhall not be remitted, for in this caſe ſhe is examined. *Lit. ſect.* 670. ſhe is not examined but when a Right is to paſs from her, *See* before. Wife not examined, Iſſue not barred.

If a Woman during her firſt Husbands Life Marry a ſecond, and with him, and by his Name knowledge a Fine, it ſhall not bind her, becauſe ſhe is miſnamed, 7 *H.* 4. 22, 23. *Vide ante.* Two Husbands and levies a Fine with the ſecond.

And if ſhe levy a Fine with her right Huſband by a wrong Chriſtian Name, ſhe is bound by Eſtoppel during her Life, and the Tenant may plead that ſhe by ſuch a Name levied the Fine, 1 *Aſſ. pl.* 11. *Brook Fines* 117. with the firſt by a wrong Name barred by Eſtoppel.

If a Husband make a Feoffment of the Land of his Wife upon a Condition which is broken, the Feoffee levies a Fine, the Husband dieth in the fourth year after the Proclamations, having Iſſue by his Wife, and after the Wife dies, and five years paſs, the Heir is barr'd to enter as Heir to his Father upon the condition, but he ſhall have five years after the death of his Father, as Two five years

Heir to his Mother for her right, *Quando duo Jura in una persona concurrunt æquum est ac si essent in diversis*, Plow. 367.

How the first and second saving of the Act shall be construed, See *Plow.* 370. 3 *Co.* 86, 91. *Plow.* 374.

How the Act of the Husband shall bind the Wife.

No Fine, or other Act of the Husbands only, of or upon any the Lands that are the Inheritance or Freehold of his Wife, during the Coverture between them, shall hurt the Wife, but that she or her Heirs, or such as shall have right to the Land may avoid it; but the Fine of the Husband and Wife together, of her Lands is good, and shall bind her and her Heirs, 37 *H* 8. *cap.* 8.

Forfeiture by the Feme of Joincture, Dower, &c.

She that hath an Estate of the Land that was her Husbands, or any of his Ancestors assured to her for Joyncture, Dower, or Intail by her Husband, or any of his Ancestors, may not levy a Fine of this Land to grant a greater Estate thereby than for her own Life; if she do, this will make a present Forfeiture by Stat. 11 *H.* 7. *chap.* 20. And if such a Woman accept of a Fine *sur Cognizance de Droit come ceo*, &c. and by the same Fine render back the Land to the Cognizor for 100 years; this is within this Statute a Forfeiture. So if a Woman that hath Title of Dower, will before she be endowed, enter and levy a Fine, this will be within the Statute, and a Forfeiture of her Estate by 11 *H.* 7. 2 *Cro.* 689. 2 *Leon.* 206. But a Lease for 21 years by such a Woman Tenant in Tail, by her Husbands Gift, &c. albeit it be not warranted by 32 *H.* 8. Yet it seems this is no Forfeiture within 11 *H.* 7. 2 *Cro.* 689.

Fines

Fines by Tenant for Life, &c.

IF either the Cognizor or Cognizee at the time of the Fine levied be ſeized of an Eſtate of Freehold, in Fee-ſimple, Fee-tail, or for Life, in Poſſeſſion, Reverſion or Remainder, whether the ſame be by right or wrong, the Fine will be a good Fine as to point of Eſtate; and therefore if one that is ſeized of Land in Fee-ſimple or Fee-tail, general or ſpecial, levy a Fine of this Land to a Stranger, this is a good Fine; but if neither of the Parties have any thing in the Land paſſed, the Fine in many Caſes will be void and uſeleſs, and it may be avoided by this Plea, *viz.* That neither of the Parties had any thing to do with the Land, 41 *E.* 3. 14. 22 *H.* 6. 43. 3 *H.* 7. 9. 27 *H.* 8. 4.

The Freehold muſt be in one of the Parties.

Partes Finis, nichil habuerunt, &c.

If a Fine be levied by or to a Tenant for Life of the Land he doth ſo hold, this Fine will be good as to the Eſtate of the Parties to the Fine; but he muſt take heed of a Forfeiture in this Caſe. For if a Tenant for Life levy a Fine *ſur Cognizance de Droit come ceo*, &c. to a Stranger, or levy a Fine *ſur Grant & Releaſe* to a Stranger, to hold to the Cognizee for longer time than for the Life of the Tenant for Life; in this caſe albeit the Fine be a good Fine, yet this is a Forfeiture of the Eſtate of the Tenant for Life, whereof he in Reverſion or Remainder may take preſent advantage and enter. But if ſuch a Tenant for

Forfeiture.

1 *Lton*, 51. Forfeiture.

Life levy a Fine *sur Grant & Releaſe*, to hold to the Cognizee for the Life, of Tenant for Life, or grant his Eſtate by ſuch a Fine to him in Reverſion or Remainder, or by Fine grant a Rent out of the Land for longer time than for his own Life, this Fine is good, and there will be no Forfeiture of the Eſtate of the Tenant for Life by it: So likewiſe if ſuch a Fine be levied by Tenant for Life to a Stranger, who doth thereby acknowledge all his Right to be in the Tenant for Life, and releaſe, and quit claim to him and his Heirs, and go no further; This is a good Fine, and no Forfeiture of the Eſtate of the Tenant for Life, for his Eſtate is not changed thereby, and it may enure to him in Reverſion. But if the Stranger ſay farther in the Fine, *Come ceo que il ad de ſon done*, this is a Forfeiture, 27 *E.* 1. 1. 44 *E.* 3. 36. 1 *H.* 7. 5. The ſame Law is of ſuch Fines for Tenant in Tail after poſſibility, *&c.* and Tenant by the Courteſie, 39 *E.* 3. 16. And yet ſuch a Fine of Rent out of the Land is no Forfeiture.

Eſtate not changed.

Forfeiture.

Rent.

A Tenant for Life, in Tail after poſſibility, *&c.* or in Dower, may not by Fine grant and ſurrender his Eſtate to him in Reverſion, but he may grant and releaſe it by a Fine, 17 *E.* 3. 62. 24 *E.* 3. 26.

Grant and Surrender.

That if neither the Cognizor nor Cognizee be ſeized of any Eſtate in Freehold, in Poſſeſſion or Reverſion of the Land whereof the Fine is levied, at the time of levying thereof, but have only a Leaſe for years, or not ſo much; in this Caſe the Fine will be of no force as to any Stranger,

Stranger, however it may be good between the Parties themſelves to conclude them by way of Eſtoppel; and therefore if the Leſſee for years levy a Fine *ſur Cognizance de Droit come ceo*, this will not be a good Fine becauſe he hath no Franktenement in him, *Fenk. Cent.* 6. *Caſe* 45.

Eſtoppel.

No Frank-tenement.

If a Leſſee for years, or a Diſſeiſee, or one that hath a Right only to a Reverſion or Remainder, levy a Fine to a Stranger that hath nothing in the Land, this Fine will be void, or at leaſt voidable as for or to any Stranger to the Fine; and he that hath cauſe to except againſt it, may ſhew that the Freehold Eſtate and Seiſin of the Land was in another before, and at the time of the Fine levied, and that *Partes Fines nichil habuerunt tempore levationis Finis*, and by this avoid the Fine; and yet a Diſſeiſor may levy a Fine to a Stranger that hath nothing in the Land, and this will be a good Fine, for he hath the Fee-ſimple by wrong in him; and if the Diſſeiſee ſuffer five years to paſs without Claim, the Diſſeiſee is barr'd, *Plow.* 353. 6 *Co.* 105. 3 *Co.* 87.

Diſſeiſee levies to a Stranger.

Partes Finis nichil habuer'.

Diſſeiſor hath Feeſimple by wrong.

Bar by Eſtoppel, and how.

THIS Fine is ſometimes a Bar by way of Eſtoppel only: It is called an Eſtoppel where one is concluded and forbidden in Law to ſpeak againſt his own Act, (albeit it be the truth he would ſpeak) whereby his Mouth is ſtopt, and his Hands are bound, that now he can-

Eſtoppel what

not say or do, that which otherwise he might have said or done; and this may be done by Matter of Record, or by Matter in a Deed, or by Fact in the Country. For this see 2 *Co.* 4. *Plow.* 397, 431. *Fitz. N. B.* 97. 3 *Co.* 3. 19. 4 *Co. Hinds* Case. 4 *Co.* 53. 71. *Plow.* 434. 21 *H.* 7. 24. 2 *Co.* 55. *Moor* 896. *Case* 869.

That where a Feoffment will work an Estoppel, there a Fine (which is a Feoffment upon Record) will much more work an Estoppel.

How Estoppels descend,

That Estoppels do always descend upon the Heir General, and upon the Heir at Common Law, and none others; and the Daughter which comes in by a *possessio fratris* shall escape an Estoppel of the Father, *Hob.* 31. *Co. Inst.* 1. 353.

And who shall be bound by it

In every Estoppel Privity is required, for it ought to be Reciprocal, *viz.* To bind both Parties, and therefore regularly a Stranger shall never take an advantage of, nor be bound by an Estoppel, but Privies in Blood, as the Heir, Privies in Estate, as the Feoffee, Lessee, *&c.* Privies in Law, as the Lord by Escheat, Tenant by the Courtesie in Dower, the Incumbent of a Benefice, and others that come under by Act of Law, or in the Post, shall be bound and take advantage of Estoppels, *Co.* 1. *Inst.* 353. See 2 *Co.* 58. 30 *H.* 6. 2 *Co.* 4. 53. *Godb.* 147.

Bar

Bar by Discontinuance.

THIS Fine doth sometimes work a Discontinuance of Land, and the Possession of it.

That is called a Discontinuance, where one that is present Owner of the Land doth grant some larger or greater Estate than he hath, and thereby doth devest and interrupt the Inheritance or Estate which should or ought to have come to another) and then dieth, and another hath right to have them, but he cannot enter by reason of such Alienation. And there is a Discontinuance in Fact, which is where there is a transmutation of Possession; and in Law, as by Cognizance of Right by Fine; by which, notwithstanding that the Cognizor continue the Possession, yet the other is Tenant in Law, and the Right of the Estate, or of the Tail is discontinued or dissolved, *Lit.* 134. *sect.* 192. *Lit.* 140. *Co. Lit.* 325. Discontinuance what.

That all Fines and Recoveries suffered by Tenant in Tail, to bar the Estate Tail, are Discontinuances, in which there is no remedy but in case where the Reversion is in the King, 10 *Co.* 96. See *Moor* 870. Fines by Tenant in Tail are Discontinances.

And note, That where a Feoffment will make a Discontinuance, there a Fine will much more make a Discontinuance.

Where an Estate is not discontinued, there regularly it is not barr'd by a Fine, 3 *Cro.* 827. *Moor* 170.

Fine works by Remitter.

Remitter what

THIS Fine doth sometimes work by way of Remitter.

A Remitter is a Mans Restitution to his former Right, or where a Man is come to two Titles of Land, and his later is defective, and not so good as his former, he is remitted to the former and better Title, *&c.*

That no Remitter shall be in Case where there is a Fine or Recovery to hinder it, See *Co. Lit.* 349.

When it may be.

But if a Tenant in Tail levy a Fine with Proclamations, and after the same is reversed by Writ of Deceit; in this Case the Issue in Tail is remitted, and shall avoid all the Estate made, because the Fine is void between the Parties, 3 *Cro.* 471. *Cary* and *Dancy*.

See *Moo. Rep.* Case 106. *Plow.* 367. *Mo.* Case 257. *Bendl.* 30. *Heal.* 110.

Extinguishment.

This Fine doth also sometimes work by way of Extinguishment of Rent, *&c.* reserved; For this See *Moo.* Case 249, 595. *Hob.* 3. 3 *Co.* 51. 9 *Co.* 141. 1 *Bul.* 45. 2 *Cro.* 699. *Dyer* 213.

Forfeiture.

This Fine doth sometimes also work to make a Forfeiture, as is before observed.

Estate in possession put to a Right.

No Fine shall bar any Estate in Possession, Remainder or Reversion, which is not devested and put to a Right at the time of the Fine levied; and therefore if one levy a Fine of my Lands, whilst I am in possession, this will not hurt me, 5 *Co.* 124. 9. 106.

And

And yet, if Tenant in Tail be diſſeiſed, or make a Feoffment in Fee, and after levy a Fine with Proclamations to the Diſſeiſor or to a Stranger, by this the Iſſues in Tail are barred for ever, 3 *Co.* 90. Fine to Diſſeiſor by Diſſeiſee.

If I have Fee Simple and be diſſeiſed, and the Diſſeiſor doth levy a Fine with Proclamations, and I do not claim within five years, by this I and my Heirs are barred for ever of the Land, 6 *Co.* 105. 3. 85. *Co. Lit.* 198. But the Heirs of ſuch as have Impediments ſhall not be barred by Fine levied by Diſſeiſor, *Jenk. Cent.* 4. *Caſe* 97. See 21 *Jac. cap.* 16. See *Plowd.* 366. See *Paph.* 651 Fines by Diſſeiſor to a Stranger. Heirs of ſuch as have Impediments.

If an Infant Diſſeiſor make a Feoffment, and the Feoffee levy a Fine with Proclamations, and five years paſs; in this Caſe the Diſſeiſee is barred for ever. But the Infant ſhall have five years after his full Age to avoid the Fine; and if he enter, yet the Bar againſt the Diſſeiſee doth continue, *Moor Rep.* 251, 399. Infant Diſſeiſor.

If Tenant for Life make a Feoffment in Fee, and the Feoffee levieth a Fine with Proclamations, and he in Reverſion or Remainder do not make his Claim, &c. within five years at leaſt after the Death of Tenant for Life, hereby he is barred for ever, *Plowd.* in *Stowel*'s Caſe. Feoffment by Tenant for Life, Feoffee levieth a Fine.

If a Diſſeiſee levy a Fine to a Stranger, the Diſſeiſor ſhall hold the Land in this Caſe for ever. For the Diſeiſee may not claim the Land againſt his own Fine, and the Conuſee may not enter, for the Right doth not paſs, but by the Fine the Right is extinct, whereof the Diſſeiſor may take advantage, 2 *Co.* 55, 79. But ſee the Fine by Diſſeiſee to a Stranger.

con-

contrary, *March. Rep.* 105. pl. 180. That it shall enure meerly by way of Estoppel, and therefore not bind a Stranger.

Disseisor of a Disseisor.

If a Disseisor be disseised, and a second Disseisor levy a Fine; in this Case, if the first Disseisor enter within the year, this by the Common Law had preserved the Right of the Disseisee, so that in this Case, the Right of one that might have claimed, and did not, was preserved. 2 *Co. Inst.* 518.

Disseisin is an unlawful dispossessing of a Man of his Land, Tenements or other Immoveable or Incorporeal Right.

Disseisin is by force, or without force.

Where it is lawful and where not, See *Bract. li.* 4. *c.* 4. *Britton c.* 42, 43, 44.

How many ways it is committed, See *Flet. li.* 4. *c.* 1.

In some Cases an Estate Tail may now be barred, that was not formerly barred; and in some Cases it may not be barred, that formerly might have been barred, *Co. Lit.* 372.

If the Tenant in Tail levy a Fine of the Land entailed with Proclamations according to the Statutes, although this is no Bar to him in Reversion or Remainder claiming in time; yet it is a Bar to the Estate Tail, and to all others that have Right (that are not holpen by the Impediments named in the Statute) not claiming within five years, *Co. Lit.* 372.

Rule. 1.

And it is a Rule, That whersoever the Issue in Tail doth claim by the same Title, and must make his Conveyance to the Lands by him that levied the Fine, there the Fine will bar him, 9 *Co.* 138. *Dyer* 3. 354. That

That although the Fine be a double Fine with Grant and Render; yet if the Grant and Render be of the Land it self, and not of any profit apprender out of it, it is a Bar, *Co. Lit.* 333. 2.

That although the Tenant in Tail dye before the Proclamations finished, yet this being done, albeit it be after his death, the Issues are thereby concluded, 3 *Co.* 86. 3.

That albeit the Issue in Tail be within Age, out of the Realm, under Coverture, *Non compos Mentis*, or in Prison at the time of the Fine levied, and the Proclamations passed, yet he is barred, 3 *Co.* 84. 4.

That the Statutes, as to this, do extend to Fines levied by the Tenant in Tail by Conclusion; and the Issue will be bound by the Fine of the Ancestor, unto whom he is privy in Estate and Blood, albeit *Partes Finis nihil habuerunt*, &c. *Fenk. Cent. Case* 96. 5.

That albeit the Estate passed by the Fine, be afterwards (before all the Proclamations had) avoided, yet the Issue in Tail is barred by it, 3 *Co.* 91. 6.

This is a Bar to the Estate-Tail and to the Issues only, but is no Bar to him in Remainder or Reversion; and therefore when the Estate-Tail is spent, this Bar is at an end, 1 *Co.* 76. *Co. Lit.* 372. 7.

That this will be a Bar to the Issues in Tail of more than one Estate in Tail, if his Ancestor had more than one Estate Tail in him, *Co. Lit.* 372. as if it be Tenant in Tail, the Remainder to him in Tail: *Et sic de similibus.* 8.

See

As to the 1. See more for these: *Leon.* [illegible] 98. 268. *Moor* 747. 3 *Co.* 90, 98. *Moor* 3[illegible] 146, 147. *Dyer* 332. *Moor* 252, 253. 1 *Cro.* 111. *Moor* 628. *Leon.* 297. 1 *Co.* 96. 1 *Cro.* 314. 2 *Cro.* 40. *Fenk. Cent.* 6. *c.* 46. *Plowd.* 435, 436. *Dyer* 213. *Plowd.* 345. 1 *Co.* 76.

2. *Plowd.* 435. 2 *Co.* 76. *Co. Lit.* 353. *Dyer* 279. *Co. Inst.* 2*d.* 517. *Dyer* 117. 2 *Cro.* 68. 3 *Bulstr.* 46, 47.

3. 3 *Co.* 86. 50. *Fenk. Cent.* 4. *Case* 97. *Le. Bro. Case* 144. 2 *Budst.* 164. *Bendl.* 30.

4. 3 *Co.* 84. 91. 2 *Cro.* 699.

5. 3 *Co.* 90. *Dyer* 279. *Plowd.* 435. *Dyer* 4[illegible] *Plowd.* 434. 10 *Co.* 50. 3. 50. 9. 141. 14[illegible] *Goldsb.* 107. 3 *Co.* 84. *Fenk. Cent.* 6. *c.* 9[illegible] *Cent.* 8. *c.* 28. 3 *Co.* 91. *Plowd.* 127.

6. 3 *Co.* 91. *Plowd.* 434, 435.

7. 1 *Co.* 76. *Co. Lit.* 372. 10 *Co.* 96.

8. *Co. Lit.* 372. 3 *Bulstr.* 43. 2 *Bulstr.* 4[illegible] 3 *Co.* 51.

If a Fine be levied in the Anceſtors Life time by the Heir to the Tail in poſſibility, after the Anceſtor Tenant in Tail's death, and he dies without Iſſue in the Life time of the Anceſtor, this will not bar the Heir to the Tail, for he was never ſeiſed by force of the Entail; But if he ſurvive the Anceſtor that the Tail deſcend upon him, it is otherwiſe, 1 *Co.* 314.

Never ſeiſed by force of the Entail.

Rule. For the Fine that ſhall bar (in this Caſe) the Iſſue, muſt be levied by him that had the Eſtate Tail once, or to whoſe Anceſtor the Land was entailed, and by whom the Conveyance by deſcent ought to be made, 1 *Co.* 65. And where

where he needs not mention (in his Conveyance by descent) the Ancestor that levied the Fine; there the Fine shall not bar, 1 *Co.* 314.

If Tenant in Tail be disseised, and Disseisor levy a Fine with Proclamations, and the Tenant in Tail suffer five years to pass without Claim, by this Fine he and his Issues are barred for ever, 9 *Co.* 105.

But it is a Rule; That Tenant in Tail may not alien or charge the Land entailed without Fine or Recovery, *Wing. Max.* 413. Rule.

But if Lands be conveyed to a Woman in Tail for her Jointure within the Stat. 11 *H.* 7. 20. and she levy a Fine of them, this will not bar the Issue in Tail, 1 *Co. Inst.* 356, 365. *Wing. Max.* 19, 20. Fine levied of a Joynture.

If the King himself be Tenant in Tail of the Gift of some of his Ancestors as Subjects, he may levy a Fine of this, and bar his Issues; and upon a Grant and Render, he may bar the Estate-Tail, 1 *Co.* 7. 6. 7 *Co.* 32. 3 *Leon.* 76, 77. *Co. Lit.* 372. King Tenant in Tail.

And if Tenant in Tail of the Gift of the King levy a Fine or suffer a Common Recovery, albeit this is no Discontinuance, where the Reversion be in the King, yet it seems to be a Bar to the Issue, 3 *Leon.* 76, 77. But yet it is said to be no Bar to the King, nor to the Issues in Tail, but all others it will bar; for these Fines are not intended within, but excepted out of 32 *H.* 8. *ca.* 6. *Dyer* 279. *Lit. Bro.* Case 144. Tenant in Tail of the Gift of the King.

Nor will Fines bar in Cases of Land restrained from Alienation by Act of Parliament. Land restrained.

And

And it is a Rule, That in case where a Recovery will not bar the Issue in Tail, there a Fine shall not bar them, 1 *Brownl.* 138.

Remainder to the King.

If there be Tenant in Tail the Remainder to the King, and the Tenant in Tail levy a Fine with Proclamations; in this Case the Issue is barred notwithstanding the Statute 34 *H.*8. as is conceived, *Moor* 115. *Case* 258.

Reversion in the Crown.

If there be Tenant in Tail of the Crown, the Reversion in the Crown, and the Tenant in Tail is disseised, the Disseisor doth levy a Fine with Proclamations, and five years pass; by this the Tenant in Tail himself is barred, but not the Issue, by 32 *H.*8. & 34 *H.*8. *Moor* 467. *Case* 665. See *Cro.* last pub. 595.

No Bar but where Tenant in Tail is Cognisor.

No Fine levied by Tenant in Tail will bar the Issue, but where the Tenant in Tail is Cognizor, *Dyer* 279. *Bro. Fines* 118.

Remitter.

The Issue in Tail is perpetually barr'd by a Fine of the Tenant in Tail with Proclamations, notwithstanding that the Discontinuee is disseised by the Father, the Issue make Claim within the time of the Proclamations. And no Remitter shall be after a Fine with Proclamations, *Moor* 114. *Case* 256.

Issue in Tail barr'd though Tenant in Tail be no Cognisor.

A Fine may be a Bar to an Issue in Tail, albeit he be not Tenant in Tail at the time, if he be but a person to whom the Land is entailed, 3 *Cro.* 610.

Forfeiture and no Bar.

If Tenant for Life, the Remainder in Fee, accept a Fine *come ceo*, &c. This, albeit it be a Forfeiture, yet is no Bar to the Remainder, 9 *Co.* 104.

Where

Where a Fine ſhall be a Bar as to one Perſon and not to another, and as to one part of the Land and not to another. See 9 *Co.* 140, 142, 106, 10 *Co.* 95. *Moor Caſ.* 90, 256, 258. *Leon.* 115, 116. *Moor Rep.* 685.

If one levy a Fine of Lands in Ancient Demeſn and of other Lands together; this Fine, as to the Ancient Demeſn Lands, is no Bar; but as to the other, it may, 7 *H.* 4. 44. *F.N.B.* 98. 1 *Cro.* laſt pub. 469. Ancient Demeſne and other Lands together.

But in Caſes where a Fine is defective for the diſability of the Perſon of the Conuſor, or of his Eſtate, or becauſe it is not duly levied for the Manner and Order: In ſuch Caſes the Fine will be no Bar at all; nor will there be need of any Entry or Claim to avoid it. Fine defective no Bar.

See more for the Bar of a Fine, 1 *Leon.* 396. 2 *Cro.* 689. *Bendl.* 74, 75, 174, 178, 179. *Leon.* 110. *Jenk. Cent.* 4. *c.* 97. *Latch* 64. *Moor Caſe* 679.

If there be a Repugnancy in a Fine, the firſt part ſhall ſtand, and the laſt ſhall be left out, *Jenk. Cent.* 2. *Caſe* 96. *Cent.* 6. *Caſe* 50. Repugnancy.

The Claim that is now to be made to avoid the Bar of a Fine, muſt be by Action or Entry, See 3 *Cro.* 561. See after. Claim what.

Of the Uſe of a Fine.

IF there be a precedent Agreement for the levying of a Fine to Uſes, and after a Fine is accordingly had, it ſhall be to thoſe Uſes and none other; and this Agreement ſhall guide the Uſes. The Uſes of a Fine.

Uſes

Uſes by Word or Parol.

Uſes may be declared or averred on a Fine, but not a Bargain and Sale of Land. And the Uſe of a Fine may be declared by Word without any Deed; and if there be ſuch a Declaration by Parol made to lead the Uſe of a Fine, and it be defective to declare the Intent of the Parties; it may afterwards be ſupplied and made good by ſubſequent Parols, *Stiles Rep.* 148. *Quære.* And upon a Covenant of Uſes no other Uſe may be declared or averred, but what is contained in the Deed, 1 *Co.* 175. *Dyer* 169.

Subſequent Parols.

Uſe doth follow the Ownerſhip.

That upon a Fine every one may declare and diſpoſe the uſe of the Land according to the Eſtate that he hath in it: For the Uſe doth follow the Ownerſhip of the Land, as the Shadow doth follow the Body, 2 *Co.* 57.

Uſes declared by Husband and Wife.

Concerning the Declaration of Uſes by Husband and Wife, See 2 *Co.* 57. *Dyer* 290. *Mar. Rep.* 196. *c.* 347. 2 *Co.* 56.

Uſe declared by Infant.

If an Infant or Man *de non ſane memoria* ſhall declare the Uſe of a Fine levied by him, this Declaration is good ſo long as the Fine ſhall continue in force, 2 *Co.* 57. *Huges Abridg.* pa. 802. *ca.* 4.

Declaration by Deed Indented.

The Declaration of the Uſes of a Fine may be either by Deed indented (which is the moſt uſual and ſafe way) or by Deed Poll, 2 *Co.* 73. 5.

Declaration when to be made.

This Declaration by Word or Writing may be made before, at, or after the time of the levying of a Fine: For an Indenture ſubſequent may direct and declare the Uſes of a Fine precedent; but what diverſities is obſerved

ſerved therein: See 2 *Co.* 69. 6. 27, 63. 7. 40. 8.

That no Averment of Uſes by proof of Witneſſes ſhall be admitted againſt an Uſe expreſſed in a Fine: But in Caſe where no Uſe is expreſſed in a Fine, there other Uſes than what the Law will make upon the Fine may be averred, and proved to be agreed upon, and the Fine ſhall be to the Uſes, 5 *Co.* 26. 9. 8. 2. 57. See after. Averment of Uſes.

That where the Uſes of a Fine are agreed, there it muſt go to the Uſes agreed upon; but where no Uſes are agreed upon, but only that it is agreed, a Fine ſhall be levied and not ſaid to what Uſe, or a Fine is levied, there the Law appoints the Uſe according to Conſcience, 2 *Co.* 37, 38. *Dyer* 18. *Co. Lit.* 271 *Moor* 472, 473, 842, 843. Uſes agreed and not agreed.

That more Acres of Land do not paſs by a Fine than the Fine doth name, albeit the Indenture to lead the uſe of it do ſpeak of more Acres. For the Fine is the Foundation of the Eſtate, and the Eſtate riſeth out of it, *Fenk. Cent.* 6. *Caſe* 45. No more Acres paſſeth than intended.

If the Conuſee of a Fine levied of Land do pay Mony to the Conuſor of the Fine at the time of the Fine levied, and there be no Uſe declared, nor is it ſet forth to what Uſe it ſhall be: In this Caſe the Law will conſtrue the Fine to be levied of theſe Lands to the Uſe of the Conuſee to whom the Fine is levied. Mony paid, Uſe to the Conuſee.

But if there be no Mony paid by the Cogniſee, nor any Uſe declared, it ſhall be to the Uſe of the Cogniſor that levied the Fine: For No mony paid Uſe to the Cogniſor.

nothing appears whereby it can be supposed that the Parties had any Intention the Estate in the Lands should be altered by the Fine; but that the Fine was levied in corroboration of the Title of the Cognisor, *Bendl.* 134, 135. *Stiles Pract. Reg.* 147.

Use levied in the Fine it self.

That the Uses of a Fine may be levied within the Fine it self without any Indenture, *Hob.* 112.

Use averred without Deed.

That an Use may be averred without a Deed upon a Fine *sur Render*; for the Deed is but to shew the Intent of the Parties, which may appear as well without as by Deed, *Popb.* 101.

General Covenant.

That a general Covenant shall direct the special Uses of a Fine, and the special operation thereof, according to the Intent of the Parties, 1 *Bulst.* 256.

Render to no other use, &c.

The Render of a Fine may not be alledged to any other Use than what is expressed upon the Fine without a Writing to shew for it, *Pop.* 104, 105. 3 *Bulst.* 318, 319.

Several Assurances one Conveyance.

A Bargain and Sale, Fine and Recovery made at several times to one purpose, shall be esteemed but as one Conveyance, *Bendl. Rep.* 101.

Where a Fine may be avoided, and how.

A Fine may be avoided for good cause in many Cases; as,

1. By the Death of all or some of the Parties before it be finished,

2. By

2. By some Error escaped in the suing of it out, and prosecution of it.

3. By some Fraud, Deceit or Covin that hath been used in it.

And so it is sometimes avoidable by a Writ of Deceit; sometimes by a Writ of Error; and sometimes by Pleading only.

If either of the Parties Cognizors die after the Cognizance or Concord, and before the King's Silver be entred, this will avoid the Fine and it cannot be made good: But if the King's Silver be entred in Paper or upon the back of the Writ of Covenant (as the Use is) and the Party dye after this, the Fine by this shall not be avoided but may be finished: See 1 *Crollost. rep.* 469. *Dyer* 320, 220, 246. 5 *Co.* 39. *Co. Lit.* 9. *Co. Inst.* 3, 511. *Bro. Fines* 124. *See ante, Dyer* 89. *Hob.* 330, 403, 404.

Fine avoided by death.

King's Silver paid and entred.

Where the Cognizor dies after the Cognizance made, the Writ of Covenant and *Dedimus Potestatem* being antedated, and the King's Silver paid, the Fine will be a good Fine, *Fenk. Cent.* 4. *c.* 28. 7. *c.* 3.

Writ of Covenant and *Dedimus Potestatem* antedated.

It is held also, that if a Judge take the Cognizance of a Fine, and before it be certified, the King demise, and the Judge have notice of this; that now the Fine cannot be certified, for his Patent is at an end: And there seems to be the same reason for Commissioners to take a Cognizance by *Dedimus Potestatem*, *Fenk. Cent.* 4. *c.* 28.

Demise of the King.

Note that where any Fine is levied, it shall be said to be all that Term wherein it is levied

Fine *in pleno Judicio.*

in pectore Judicis to amend it for Error, as the Judges see cause, *Lateh. Rep.* 180.

Fine avoided by Error.

Notorious Error.

NO Error, but such as is notorious, shall avoid a Fine; for in this the Rule is, *Consensus tollit Errorem.* An Infant may avoid a Fine by a Writ of Error during his Minority, but not afterwards, 2 *Co.* 230. *Dyer* 201.

Original wanting.

If there want an Original, or if there be a Writ, and that doth bear *Teste* after the *Dedimus potestatem*, or the *Dedimus potestatem* to two, and one alone taketh it; this, its said, is Error, for which the Fine may be reversed; but for the *Teste* of the Writ of Covenant after the *Dedimus potestatem*, this is amendable, *Lateh Rep.* 186.

No Error contrary to the Record.

But no Error may be alledged to reverse a Fine, where the Error is contrary to the Record or Certificate of the Justices; as to say, The Commissioner was not a Knight when the *Dedimus potestatem* saith he was, *Jenk. Cent.* 6. *c.* 53. *Dyer* 89. 2 *Cro.* 11. *Yelv.* 33. *Hob.* 940. *Case* 9. 646. 16. 17. 18.

Error barred, and how.

One may bar himself of this Writ of Error by a Feoffment of the Land, or a Release of his Right to the Land, or by a Recovery, or by a Fine and five years past, 1 *Cro. last pub.* 67. 2 *Co.* 77. 1. 77. 2 *Co. Inst.* 518. 2 *Cro.* 3[illegible]. 2 *Leon.* 263.

And by making of a Lease for years, he may suspend it, *Owen. Rep.* 21. *Stiles Rep.* 246, 25[illegible]. 1 *Cro. last pub.* 469. *Goldsb.* 181.

If the Lands lie in divers Counties, and there be not several Writs of Covenant for every County, this will be Error, *Dyer* 227. 15 *Ed.* 4. 13. Lands in divers Counties.

Note, For Repugnancy see 5 *Co. Teys* Case. Repugnancy.

Where Error is in the Proceed of the Proclamations only; There they only shall be reversed, and the rest of the Fine shall stand good at Common Law, *Hughes* 938. c. 2, 3, 4. Error in proceed of Proclamations.

That Variance in the Persons in the Render, or of the Estates of Lands, except it be very gross, will not make it void, *Hughes* 939. c. 946. c. 10. Variance.

Where a Fine is good or not, see *Hughes* Judgment of *Fines par.* 1, 2, 3. See *West. symb. part* 2. Good Fine.

Who is to bring the Writ of Error, see *Leon.* 117, 119. 2 *Cro.* 11. 90, 392. *Dyer* 201, 89, 49, 321. 2 *Leon.* 139. *Owen* 21.

Error in a Fine may not be alledged contrary to the Record it self, *Yelv.* 34. See before.

Fraud, Deceit and Covin.

A Fine avoided by reason of Fraud, Deceit or Covin.

If a Fine be gotten or obtained by any notorious Fraud or Practice; it may in some Cases be avoided by a *Vacat*; See 1 *Cro. last pub.* 518, 531, 471. *Moor* c. 21. *Plowd.* 370. Notorious Fraud.

If a Lessee for Life or Years, or a Copyholder levy a Fine of Covin of purpose to bar him in Reversion, or the Lord of his Inheri- By Lessee or Copyholder.

tance; this may be avoided for Fraud, 3 Co. 105. 3 Co. 78.

And as a fraudulent Deed or Conveyance may be avoided for Fraud; so a Fine may be avoided.

Usurious Contract. So also it seems the Law is of a Fine suffered in pursuit of an usurious Contract, 3 Co. 80. 16 H. 7. 5. Fitz. Cent. 61. 27 Eliz. 3 Co. 45. Stile 288.

To deceive a Purchaser. A Fine levied to deceive a Purchaser or Creditor may be void or be voidable. See 3 Co. 79.

Pretence of Title. But if one shall pretend Title to Land, and enters and disseises the Tenant, and after levies a Fine with intent to bar the Disseisee, this is good. And if the Disseisee shall not enter or claim within the five years he is barred, 3 Co.

How to be avoided by Claim. If there be Tenant for Life, the Remainder for Life, the Remainder in Fee, and the first Tenant for Life alien, and the Alienee levies a Fine with Proclamations, and the second Tenant for Life claim, &c. This doth make void the Fine, not only against him, but against him in Remainder also.

Rule. And it is a Rule, That any one that hath an Estate in Possession or Reversion, which will be barred by the Fine when 'tis levied, may make a Claim or Entry to prevent the Bar of the Fine.

Claim, &c. by Authority. And by Authority also any other Man may make a Claim, Entry, &c. In this Case for him that hath Right; See *Moor* 457.

All Rights set at large. The avoiding of a Fine by one defeats it against all, although their Right were bound before

fore by their Non-claim, which sets at large all other Rights above them, 16 *Ed.* 2. *Plow.* 358. *Stowel's* Case.

Fine levied by one of the same name of the others Lands may be avoided by Deceit or Pleading, 34 *H.* 6. 19. *Lit. Rep.* 315. Deceit by one of the same name.

Pleas to a Fine.

THe Plea of *per Duress* or Imprisonment will not, its said, be admitted, 17 *E.* 3. 52. 17 *Ass.* 17. *Per Duress.*

The Plea, *Partes Finis nihil habuerunt tempore levationis Finis*, is given only to Estrangers to the Fine; but from Parties and Privies it is taken away. Where this Plea is good or not, see *Hughes* 940. and *Moor* 291. The Issue in Tail may not have this Plea, unless to avoid a Fine *sur* Release only, 3 *Co.* 141. *Dyer* 334. *Partes Finis nihil habuerunt.*

Issue in Tail may aver Continuance of Possession against a Fine *sur Cognizance de droit tantum* or Surrender: See 12 *Ed.* 4. 12, 13. 11 *H.* 4. 8, 9. But not against *Sur Cognizance de droit come cee que il ad de son done.* Continuance of Possession.

For Pleas to avoid a Fine, see *Owens Rep.* 21. & *Stat.* 27 *Ed.* 1. *c.* 1.

How a Fine is to be pleaded, see *Leon.* 386, 986. *West. Symb.* 2d *part.* 3 *Cro.* 903, 917.

If a Fine or Recovery be levied or suffered of Covin by a Lessee for Years or Lessee for Life, or a Copyholder of purpose, and with intent to bar him in Reversion, or a Lord of his Inheritance; this is of no force, and therefore

Non-Claim within five years shall not hurt in this Case, 3 Co. 78. 8. 105.

Note, That it is Felony without Benefit of Clergy, without Corruption of Blood or Loss of Dower to acknowledg or procure to be acknowledged any Fine, Recovery, &c. in the name of any Person not privy or consenting thereunto: But this not to extend to a Judgment acknowledged by Attorney of Record in another, by 21 Jac. c. 6.

As to the Execution of a Fine.

Habere facias seisinam.

NOte, That a Fine is either executed by Writ of *Habere facias seisinam*, which is a Writ to the Sheriff to put the Cognisee or his Heirs in Possession; and this must be sued forth within a year after the Fine sued forth, or after Judgment upon a *Scire Facias*.

Scire facias.

Or else he must have a Writ of *Scire Facias*, which is to be sued forth after a year and day after the Fine is levied, and thereby the Sheriff is to warn the Tenant to appear and shew cause, if he can, why the Cognisee or his Heirs should not have Execution: At the Return wherof, if the Tenant appear and can shew no cause to the contrary, the Plaintiff shall have an *Habere Facias Seisinam* to the Sheriff to put him or his Heirs in Possession. Or the Cognisee where the Fine is *Sur Cognisance de droit come ceo que il ad de son done*, may obtain the actual Possession of the Land contained in the

Habere facias seisinam.

Fine

Fine by an Entry: For in this Case of a Fine executed, if the Cognizor be still in Possession of the Land whereof the Fine is levied, the Cognisee may without any Writ of *Habere facias Seisinam* enter upon him, and so get the Seisin and Possession of the Land. And note, that if a Fine be levied to Husband and Wife in Special Tail, the Remainder to the Heirs of the Body of the Husband, and the Wife dieth without Issue, the Remainder is executed in Possession in the Husband; for the Estate Tail meeteth with the Fee Simple, and it is drowned, 41 *Ed.* 3. 14. 14 *Ed.* 3. 5. 7 *H.* 4. 23. *West. Symb. part* 2. Entry. Fine executed. Remainder executed.

Attornment, &c.

AND note, That a Fine of a Reversion ought not to be ingrossed until the Tenant for Term of Life attorn; for until Attornment he is dispunishable of Waste; neither can the Cognisee avow upon him for the Rent behind before Attornment, 22 *H.* 6. *f.* 13. *Plowd.* 431. Attornment where necessary.

And the Cognisee may compel such Tenant for Life to attorn by *Quid juris clamat*. A Judicial Writ issuing out of the Record of the Fine which lieth in the *Custos Brevium*'s hand, and lieth for the Grantee of a Reversion or Remainder to force the particular Tenant to attorn. How to be enforced. *Quid juris clamat.*

HT

Or a *Quem Reditum reddit*, a Judicial Writ issuing out of the Note of a Fine against the Tenant *Quem Reditum reddit*,

Tenant of the Land to compel him to attorn upon the Grant of Rent seck or Rent charge out of the Land.

Per que Servitia. Or a *Per que Servitia*, a Judicial Writ issuing from the Note of a Fine, and lieth for the Cognisor of a Mannor, Seigniory, Chief Rent or other Services to compel him that is Tenant of the Land at the time of the Note of the Fine levied to attorn unto him. And this must always be sued forth upon the Note of the Fine made by the Chirographer, and before it be ingrossed by him; for after the ingrossing it cannot be had, *F.N.B. f. 47. a. b.*

These last things are largely and learnedly treated of by Mr. *West* in his second part of *Symb.* to which, for your further Information, I refer you.

THE

THE INTRODUCTION To, and Definition of, RECOVERIES.

RECoveries are { either feigned / or True; } As Common Recoveries, / That is actual by Judgment

Recovery defined.

A true Recovery, is an actual or real Recovery of any thing, or the value thereof by Judgment; as if a Man by Land of another with Warranty, and this Land is afterwards recovered by a third Person: The Buyer hath remedy against the Seller to recover it in value: That is, to recover so much Mony as the Land is worth. *Fitz. N. B. fol.* 134.

True Recovery.

But the Common Recovery (which is here purposed to be treated of) is *Fictio Juris*, a feigned formal Thing, by consent, and is used, where a Man is desirous to cut off an Estate Tail, &c. in Lands or Tenements, to the end, to sell, give or bequeath it as he thinketh meet, for the Assurance of them that shall after have the Land.

Common Recovery.

These

Common Recoveries when first invented.

These Common Recoveries, as also Fines, are said to be first invented when Entails fell out to be inconvenient: For the opening whereof you may observe, That before the Statute *de Donis Conditionalibus*, *West.* 2. *cap.* 1. Feoffees after they had Issue, had power to alien and dissolve the Issue contrary to the mind of the Donors. And by the Statute in *Edward* the First's time, the Inheritance was made so strong, as that the Tenant in Tail could not put away the Land from the Heir by any Act of Conveyance or Attainder, nor let it, for any way charge or incumber longer than for his own life.

13 E. 1. 1.

From the Inconvenience of Entails.

But from this Statute there arose many Inconveniencies, for by this means the Lands were made so sure to the Heir, as that the Father could not put it from him, and hereupon the Son oftentimes proved disobedient, negligent, wastful, &c. knowing he could not be disinherited; and many times the Owners themselves of such entailed Lands were less fearful to commit Felonies, Murders, Manslaughters and Thefts, for that they knew that none of these Acts could hurt the Inheritance of the Heir.

Again, such as had entailed Lands could make little or no Profit of them, for no man would give to Fine of any value upon such an uncertain Estate, as that of the Owners Life only, neither would they much improve the Lands for the same Reason, with many other Inconveniences.

For

For the Remedy whereof several later Statutes were made, as 4 *H.* 7. 24. 32 *H.* 8. 36. Whereby a Tenant in Tail may disinherit his Son by Fine and Proclamation. 26 *H.* 8. 13. Tenant in Tail doth forfeit his Land for Treason; and 32 *H.* 8. he may make Leases for 21 years, or 3 lives, &c. by 33 *H.* 8. Entailed Lands are liable by Extent for the Kings Debt, and by 13 *Eliz.* 4. They are saleable for his Arrearages upon his Account for his Office.

Remedy against Entails by several Statutes.

Also for the Remedy of those Inconveniencies of entailed Lands, these Common Recoveries were first invented, and Men began to cut off Entails by such means as they could find Law for it; and now by use these Recoveries are become Common Assurances against Entails, and against Remainders and Reversions, and are the greatest Assurances that Purchasers have for their Mony, (being grounded upon the strict Principles of the Law, though by consent,) for a Fine will bar the Heirs in Tail, but not the Remainders or Reversions, but these Recoveries bar them all. 1 *Coke* 12, 62.

Remedy by Common Recoveries. 7 H. 8. 4. 21 H. 8. 15. Common Recoveries become the greatest Assurances.

Mr. *West* in his *Symb. part* 2. *sect.* 1. saith, That the end and effect of a Common Recovery, is to discontinue, and destroy Estates, Remainders and Reversions, and to bar the former Owners thereof.

The end and effect of Common Recoveries.

They are therefore mostly used for Assurances of Land, in the form whereof the Parties do agree, that one who is call'd the Demandant shall bring an Action Real (as if he had good Right)

The form of a Common Recovery with single Voucher

Right) against the Tenant of the Freehold of the Lands as though he had no Right of Entry to the same, but after a Disseisin which * *Hugh Hunt* had injustly made to the Demandant, &c. and thereupon the Tenant calls to warrant to him the Lands, * *Edmund Clare* (or the common Vouchee) which Vouchee is supposed to appear in Court, and warrant the Lands to the Tenant (or Defendant) whereupon the Plaintiff or Demandant claims the Lands against the Common Vouchee, who is supposed to appear and defend his Right, and pleads, That *Hugh Hunt* did not disseise the Plaintiff or Demandant, as by his Declaration he supposes, and puts himself upon the Country to try it; whereupon the Demandant prays a day to imparle, or speak to the Plea, and a day being given, the Demandant is supposed to come again into Court in proper Person, and the Common Vouchee then is supposed to make default and withdraw in contempt of the Court, and thereupon Judgment is given that the Demandant shall recover the Land against the Tenant, and the Tenant shall recover in value against the Common Vouchee, &c. And so by this Device grounded upon the first Principles of the Law, the Tenant loseth the Land, and hath nothing for it; but it is by his own Agreement, and for the Assurance of him that buys the Land, &c.

And so it is if it be with double or treble Vouchers; as in double, the Tenant calleth to warranty the first * Vouchee, who warranteth, and calleth the second or Common Vouchee, who

* The common Name for the supposed Disseisor.

* The common Name of the common Vouchee.

Plea.

Imparlance.

Default.

Judgment.

* Note, he is called a Vouchee in respect that he is called by the Tenant; and he is called Voucher in respect that he calleth over a second Vouchee, &c.

who pleads to the Country, and after Imparlance and return of the Demandant, makes default, and then Judgment for the Demandant against the Tenant, for the Tenant to recover in value of the first Vouchee, and the first to recover in value of the second or Common Vouchee, and it is in the like manner with double Voucher, &c. as you may observe in the Pleadings hereafter set down.

But these Pleadings are grounded upon a Writ called *a Writ of Entry in le post*, in which, and besides which, there are many things of nicety and exactness, before we come to the Pleadings on the Roll, which observe as followeth.

Observation in Common Recoveries.

IN every Recovery four things are principally to be observed,

1. The Demandant who is Plaintiff in the Writ of Entry, and properly called the Recoveror.

2. The Tenant of the Land who is Defendant to the Writ of Entry, against whom the Land is to be recovered, and therefore properly called the Recoveree.

3. The Vouchee being the Person whom the Tenant calls to warrant to him the Lands demanded, (as you may observe in the Introduction.)

4. The Land it self which is to be recovered, and which must be carefully and regularly

larly placed, as you may observe by the Directions following.

How the Writ of Entry must be brought.

Note, If a Recovery be intended with single Voucher, the Precipe must be brought against the Tenant in Tail in possession, and he to vouch the Common Vouchee. But if your Recovery be intended with a double Voucher, you must either by Fine, Feoffment, Bargain and Sale inrolled, * or Lease and Release, make him (you intend to be) Tenant at the time of the Writ of Entry brought; for every Writ of Entry must always be brought against him that must be a perfect Tenant of the Freehold of the Land demanded at the return of the Writ, 18 *R.* 2. and *Dyer fol.* 252. *pl.* 98. because the Estate of the Tenant in Tail (who is the first Vouchee) is barr'd in respect of the supposed recompence adjudged over against the Common Vouchee; for in strict Law the Recompence adjudged over is to go in Succession of the Estate, as the Land lost should have done, and then it were not reason to allow the Heir liberty to keep the Land, and also to have a Recompence in value, therefore he loseth the Land, and is to trust to the Recompence, *Dy.* 252. 3 *Co.* 6. 1 *Co.* 42. But in a feigned Recovery the Recompence is but imaginary, and no such thing really in the case.

* See a Lease and Release at the end of this Book.

If it be by Fine, you make him Cognizee to the Fine, who is to be Tenant in the Recovery, and he must vouch the Tenant in Tail; and in such case the Writ of Covenant for the Fine must bear Teste, and be returnable before the Writ of Entry.

Surrender to him in Reversion.

Note also, That if a Tenant have but an Estate for Life, or be Tenant in Dower, or by the Courtesie of *England*, it is requisite for the strengthening of a Recovery, and saving his Estate,

Estate, that he make a conditional Surrender of his Estate to him in the Reversion or Remainder, to the end he may be a present Tenant of the Inheritance, and then to bring the Writ of Entry against him; and after that the Recovery is executed, the particular Tenant for breach of the Condition may enter and enjoy his Term notwithstanding such Surrender. See the form of the Surrender at the end of this Book.

The use of Vouchers.

The effect of a Recovery, as is said before in the Preamble, is to bar Entails, and all Remainders and Reversions that should take place after Entails; and they are most usually suffered either with a single Voucher, double Voucher or treble Voucher, and sometimes with a quadruple Voucher, as you may observe amongst the Presidents following.

The intent of a Recovery with a single Voucher.

The intent of a Common Recovery with a single Voucher, is to bar the Tenant and his Heirs of such only Estate Tail which then is in him, to destroy the Estates which others have of any Reversion expectant, or Remainder dependant upon the same; and of all Leases and Incumbrances derived out of such Reversions or Remainders.

But note, where the King is the Giver of an Estate Tail, and keepeth the Reversion in himself, it is said such Recovery against the Tenant in Tail will not bar the Issue in Tail of his Entry, nor discontinue his Estate, nor pluck such Reversion or Remainder out of his Majesty, 28 *H.* 8. *b.* 34 *H.* 8. *cap.* 20. *Dyer*, *fol.* 132.

Intent of Recovery with double Voucher.

By a Recovery with double Voucher, it is intended to bar the first Voucher and his Heirs of every such Estate as at any time was in him, or any of his Ancestors, whose Heir he is of such Estate; and all other Persons of such right to a Reversion or Remainder as was thereupon at any time expectant or dependant, and of all Leases, Charges and Incumbrances, derived out of any such Reversion or Remainder, and will be also a perpetual bar of such Estate whereof the Tenant was then seized in reversion or remainder, expectant or dependant upon the same.

Intent of Recovery with treble Voucher

The intent of a Recovery with a treble Voucher is to make a perpetual bar of the Estates of the Tenant, and of every such Estate of Inheritance as at any time had been in the first or second Vouchee, or any of them, or either of their Ancestors, whose Heirs he or they are of such Estate, and as well of every Reversion thereupon dependant; as also of all Leases, Estates, Charges and Incumbrances derived out of such Reversion or Remainder.

Observanda.

From the whole observe, That a Recovery with single Voucher, bars only such Estate as the Tenant hath in possession at the Recovery, and the Dependencies thereon; As if Lands be given to *A.* in Tail, the Remainder to the right Heirs of *B.* (*B.* being then living) and the Writ of Entry is brought against the Tenant in Tail, and he doth vouch over the Common Vouchee; this is a good recovery and bar to the Estate Tail and Remainder also; 1 *Co.* 135. 3 *Co.* 59. But if the Tenant in Tail

Tail be not in poſſeſſion or be in of another Eſtate by Diſſeiſin or Conveyance, &c. As if Tenant in Tail be diſſeiſed, and then ſuffer a Recovery with ſingle Voucher; or the Diſſeiſor make a new Eſtate to the Tenant in Tail, and then the Tenant in Tail doth ſuffer a Recovery with ſingle Voucher; or if the Tenant in Tail make a Feoffment in Fee of Land, and then take back a new Eſtate to himſelf from the Diſcontinuee in Tail or in Fee, and then doth ſuffer a Common Recovery with ſingle Voucher; by this the Eſtate in theſe laſt Caſes is not barred.

But by a Recovery with double Voucher in theſe Caſes the Eſtate Tail is barred, and all Intereſts, Eſtates and Titles that the Vouchee hath at the time of the Entry into the Warranty. And therefore as in Caſes where the Tenant in Tail doth levy a Fine, make a Feoffment, or bargain and ſell the Land by Deed indented and inrolled, and the Writ is brought againſt the Cognizee, Feoffee or Bargainee, and he doth vouch the Tenant in Tail, who doth vouch the Common Vouchee; this doth bar the Eſtate Tail, and the Remainders and Reverſions thereupon. So if in theſe Caſes the Conuſee, Feoffee or Bargainee doth make a new Eſtate to the Conuſor, Feoffor or Bargainor, or he diſſeiſe the Conuſee, Feoffee or Bargainee, and then levy a Fine, make a Feoffment, and bargain and ſell to another againſt whom the Writ of Entry is brought, and he vouch the Tenant in Tail, and he vouch the Common Vouchee; by this Recovery the firſt and ſecond

Estate Tail, and all the Remainders and Reversions depending thereupon are barr'd, 1 *Co.* 135. 3 *Co.* 59. 12 *E.* 4. 19. 10 *Co.* 45.

Note, In that called a single Recovery, you will find two Recoveries included; The first by the Demandant against the Tenant, and the second by the Tenant against the Common Vouchee.

2. In that with a double Voucher you will find three Recoveries included, one for the Demandant against the Tenant. 2d. For the Tenant against the Voucher. The last for that Voucher against the second or common Vouchee.

3. Also in a Recovery with treble Voucher are included four Recoveries. First by the Demandant against the Tenant. 2d, By the Tenant against the first Voucher (otherwise called Vouchee.) The third by the first against the second, and the fourth by the second against the Common Vouchee.

Thus much shall suffice to shew the Ground and Effect of these Common Recoveries. Next we proceed to the Rule for placing particulars, and suing forth the Writs of Entry.

Precipe. You must first draw your Precipe in Paper which is for the Cursitors instructions whereby to make out the Writ of Entry, and in this Precipe the Lands must be exactly set down and placed in order according to the Rules following.

Note, It is called a *Præcipe quod reddat*, therefore first we will see of what Things a *Præcipe quod reddat* or Writ of Entry lyeth, and of what not.

Of what things a Writ of Entry lyeth, and by what Names.

PRecipe qd̄ reddat lieth de una Acra Terre Aqua cooperta vel de Acra Terr̄ 12 H. 7. f. 4. de *Gurgite 10 E. 3. & 14 E. 3. 842. F.N.B. fo. 191. Et de Passagio ultra Aquam F.N.B. 191. de Balliva, 34 Ed. 3. 423. de Officio, 27 H. 8. 12. de Advocatione Eccleſie, aut de quarta parte Decimarum, 34 E. 3. de Portione Decimarum, Dyer fo. 84. pl. 83. de quadem parcel Terre, Dyer 84. pl. 83. de cuſtod Terre & hered ſive de cuſtod Terre, Reg. 161. 22 Ed. 3. f. 29.

* A Water-Pit.

Præcipe quod reddat lieth of all manner of Eccleſiaſtical or Spiritual Profits, as de Rectoria Vicaria Portionibus Penſionibus Decimis &c. per Stat. 32 H. 8. c. 7. de omnibus & omnimodis Decimis majoribus minutis & minutis infra Villam ſive Hamlet de B. in Paroch de A. quoquomodo creſcen̄ contingen̄ ac annuatim renovand̄ &c. Thel. lib. 8. ca. 9. ſect. 2. de quarta parte Decimarum & Oblationum Eccleſie Sancte P. &c. 16 Ed. 3. de quadam Portione Decimarum or Terre not ſhewing how much, 1 H. 4. f. 1. Dyer fo. 84. pl. 83, 84, 85, & 86. In old time de hida Terre per Glanvil, de caruca Terre, 4 E. 3. 161. de bovat Terre, 6 E. 3. 291. de ſex pedibus Terre in longitudine & quatuor in latitudine, 14 Aſſ. 13.

These are according to Mr. *Weſt's Symb. part* 2. *ſect.* 2 & 3.

A Precipe quod reddat lieth de tofto & ſitu Molendini, 14 Ed. 3. de Hundredo de C. & Wallivato de B. 34 E. 1. 3 E. 3. de Paſtur ad ſex Boves, 3 E. 3. f. 23. 4 E. 2. de Rood Terre, 3 E. 5. de Advocatione, 34 E. 1. de quadam portione Terre, 11 H. 4. f. 40. 5 H. 7. fo. 9. de Pedicat unius Rode Terre, 41 E. 3. de Shopa, Reg. fo. 3. de quatuor Acris Ainet, 11 Aſſ. 13. de Turbar by the name of Pote, 8 E. 3. f. 387. and it lieth in a Town and not in an Hamlet, 8 E. 3. f. 35. 7 E. 3. 9.

Of what things a Writ of Entry lieth not.

A Precipe quod reddat lieth not de * Foſſato, nec de Stagno, nec de Piſcaria, 8 E. 3. 381. nec de Advocatione Decimarū unius * carucat Terre, Reg. f. 29. nec de Communia paſture, 27 H. 8. f. 12. de Eſſoveriis, 2 Ed. 3. de homagio & fidelitat nec de ſerviciis faciendis, 6 E. 2.

It lieth not de Bovat Partiti, 13 E. 3. f. 3. de * ſelonie Terre, Ed. 1. for the Incertainty, becauſe a Selon which is a Land ſometimes containing an Acre, ſometimes more and ſometimes leſs.

It lieth not of a Garden, Cottage or Croft, 14 Aſſ. 13. 8 H. 8. 3. 22 E. 4. 13. de virgat Terre, 41. 43. 13 E. 3. de Fodina, de Mineria, de Mercatu, 13 E. 3. For they lie not in demeſne but in gain nec de ſuperiozi Camera, 3 H. 6. f. 1. It

* Not of a Ditch, not of a Pool.

* A Wain Land.

* A Selon or Ridge of Land

It lieth not of an Annuity, nor of a Tenement, but it must be of Houses and a certain quantity of Acres, *Moor Rep.* 953.

A Writ of Entry ought not to contein one and the same thing twice, as a Messuage and an House, parcel of the same Messuage, 3 *Ed.* 4. *f.* 28. 46 *E.* 3. 26. Nor to name a Town and an Hamlet within the same Town, 22 *E.* 3. 14. 41 *E.* 3. *f.* 22. But the Practice is now otherwise as to this, and some other of the things before mentioned, as you may observe before, that a Præcipe quō reddat is said not to lie de Piscaria, Estoveriis, de Gardino, nec de Communia pasture; but the use is otherwise, as you will see by the Recoveries in this Treatise; and though it may be meant that a *Precipe* lies not of one of those things singly alone, as of a Common; yet being joined and expressed with other things, it may well lie, and is every days practice.

According to *West's Symb. part* 2. *sect.* 1, & 2.

We should shew something of the Persons as may be allowed to suffer Recoveries, but it shall suffice to say, That such Persons, and by such Names, may be Demandants, Tenants and Vouchees in Recoveries as may be Cognizors and Cognisees in Fines, *Co. Lit.* 372. See in the Treatise of Fines.

Rules to be observed in placing Particulars in a Writ of Entry.

1. THE more worthy Things must be placed before the things less worthy, as a Castle must be set before a Mannor, a Mannor before a Messuage, a Messuage before a Toft or Mill, &c.

2 Things General must be put before things Special, as Land being the General or Genus to Meadow, Pasture, &c. is placed before Meadow, &c.

3. Entire or whole things are to be put before Parts, as one Messuage and the Moiety of one Messuage, &c.

For the more orderly and formal placing of the Particulars in a Writ, observe this Method: Maneria de D. & S. cum pertinen' ac duo Messuagia unum Shopam unum Toftum & unum Molendinum unum Columbar' duo *Gardina vigent' Acras Terre decem Acras Prati quinq; Acras Pasturæ sex Acras Bosci centum Acras Jampnoy & Bruere centum Acras Moze centum Acras Juncarie decem Acras Mariſci decem Acr' Alneti decem Acr' Vulcarie quinq; Acr' Terr' aqua coopert' vigint' Librat' duos Solidat' unum Denar' unum Obulat' & unum Quadrantat' reddit' & reddit' unius par' Calcar' deaurat' decem Capon' duozum Gallor' duarum Gallinarum quinq;

Libraſ

* Note the word *Gardinum* is used both for Garden and Orchard in real Actions, and not *Pomarium*; and if that word be used, you may plead in Abatement as being contrary to the course of the Regifter. See such a Plea in *Form' bene Placitandi*. Abatement

Libras Piperis crium Clavor Gariophili & nũ Libr Cumini Cõmunia pastur p omnios Averiis Vic Franc pleg Liberam Warren Libam Piscariam Libertat Faldagii aceria Nundinas & Mercat Theolonium Stallag & Pilag Catalla Felon Fugitivorum Utlagat & in exigend poit Deodand Catalla Waviat & Extrahur cum pertin in B. A. S. N. & B. necnon Rectorias de B. & S. cum pertin ac omnes ac omnios Decimas eisdem Rectoriis spectan & pertinen aceria Advocationes Ecclesiatum de N. & B. ac Advocationes Vicarie Eccleſie de Y. Et in que &c.

Divers [other Particulars may be put in the Writ, as may be seen in the Regiſter *fol.* 1, 2. N.B. 2. *Weſt Symb.* 2. *pag.* 77.

Honor de A. cũ ptiñ
Castrũ de B. cũ ptiñ
Burgus de C. cũ ptiñ
Hundred de D. cũ ptiñ
Manium de E. cũ ptiñ
Foresta de F. cũ ptiñ
Chacea de G. cũ ptiñ
Ditus Manerii de Y. cum pertiñ
Terra aqua coopt
Communia pastur p omnios Averiis
Decem Solidat Reddit
Reddit duorum Gallor duarum Gallinar unius Libr Piperis &c.
Nemus
Shopa
Cellarium
Toftum
Una Wharfa
Una Kaia
Nundine & Mercate cum pertiñ.
Vic Franc pleg cũ pertiñ
Catalla Felon Utlag & in exigend poit Catalla waviat & extrahur Deodand

Rectoria

Rectoria de B. cum pertin' ac omnes ac oñtos Decimas qualcunque eidem Rectorie spectan' & pertinen'
Scitus nuper Monasterii de I. cū ptin'
Pratum
Pastura
Boscus
Jampnus & Bruera
Moza Juncaria
Rulcaria Pariscus
Alnetus
Molendinum
Columbar'
Macellum
Garbinum
Terra
Liba Piscaria
Liba Warenna
Libas Faldagii
Una Salina
Una Bullar' Aqus salse
Advocatio Ecclesie de B.
Advocacõ Vicarie Ecclesie de C.
Passagium ultra Aquam Thamesis
Tres partes unius Pelagii
Pedietas unius Pelagii
Una pars unius Pelagii Communia pastur' ad omnes partes Pb Necnō Pedietas & tercia pars Cote.

The Rule for the Payment of Mony in the Alienation Office.

Every 5 Marks and 20 Shillings payeth 6 s. 8 d. From 5 Marks and 20 Shillings unto 5 Marks and 40 Shillings payeth 10 s. Above 5 Marks and 40 s. unto 10 Marks and 20 s. payeth 13 s. 4 d. So in like proportion for all others.

Land

		l.	s.	d.
Land rated at	40 s. or under payeth--	0	0	0
	Above 40 s. to 3 l. 6 s. 8 d. payeth--	0	6	8
	5 l. 6 s. 8 d. payeth--	0	10	0
	7 l. 13 s. 4 d. ----	0	13	4
	8 l. 13 s. 4 d. ----	0	16	8
	10 l. payeth ----	1	0	0
	12 l. payeth ----	1	3	4
	14 l. 6 s. 8 d. payeth --	1	6	8
	15 l. 6 s. 8 d. payeth--	1	10	0
	17 l. 13 s. 4 d. payeth--	1	13	4
	18 l. 13 s. 4 d. payeth	1	16	8
	20 l. payeth ----	2	0	0
	22 l. payeth----	2	3	4
	23 l. 6 s. 8 d. payeth--	2	6	8
	25 l. 6 s. 8 d. payeth--	2	10	0
	27 l. 13 s. 4 d. payeth--	2	13	4
	28 l. 13 s. 4 d. payeth--	2	16	8
	30 l. payeth ----	3	0	0

Directions how to ſue out Recoveries.

IN ſuffering Recoveries the Tenants and Vouchers do moſt commonly appear in perſon in Court: But ſometimes they either will not, or cannot appear in Perſon; and then they do uſe to appear and ſuffer the Recovery by Attorney: Of both which in order.

Firſt therefore when you would ſue forth a Recovery to be ſuffered by the Parties in open Court;

Draw

Draw your *Præcipe* according to the Directions afore given, naming the Demandant and the Tenant, the Quantity of Land and of what Nature, how many Acres, what Mannors, Meſſuages, &c. and in what place or places they lie and extend.

Next you may carry it to the Curſitor of that County, where the Lands lye, for a Writ of Entry. But note it is the common uſe to paſs a Recovery at the Bar, before a Writ of Entry is ſued out; therefore having drawn your *Præcipe* in Paper, then enter it upon the firſt Remembrance of the Prothonatory in whoſe Office you enter, and put the Voucher or Vouchers Names in the Margent thus, *viz.*

With a ſingle Voucher.

Tenens in propria perſona ſua voc̄ ad Warr * *Edm. Clent*, &c.

Midd. ſ. PRecipe A. B. quod juſte &c. tenet C. D. Gen' unū Meſuagiū & decem Acr' Paſtur' cum pertin' in E. quæ clam' &c.

* *Note*, the Common Vouchee is uſually Bagbearer to the *Cuſtos Brevium* of the Common Pleas, and is named *Edmund Clent* in their Preſidents; but now *John Wheeler* is Bagbearer.

If it be with a double Voucher then enter it thus: *viz.*

Midd' ſ.

Midd' ff. PRecipe A. B. quod juste &c. reddat C. D. Gen unum Messuagium & decem Acr Pasture cum pertin in E. que clam &c.

Tenens in propria persona sua voc ad waf F. G. Gen qui presens vocat Ed. Clent [or J. Wheeler]

If it be with a Treble Voucher then thus:

Midd. ff. PRecipe A. B. quod juste &c. reddat C. D. Gen unum Messuagium & decem Acr Pastur cum pertin in E, que clam &c.

Tenens in propria persona sua voc ad waf F. G. Gen qui psens voc H. G. qui psens voc Edm. Clent [or J. Wheeler] So that you must always name the common Vouchee last.

Note, that upon this Remembrance, after your Precipe, you are to enter the Return and Teste of your Writ of Entry; but the Recovery may for dispatch be passed first at the Bar, and 'tis the common use. Therefore having entred your Precipe on the Remembrance, and having your Tenant and Vouchers ready at the Bar, the Court being at * leisure deliver the Remembrance on which your Precipe is entred (which Remembrances are always brought to the Hall in the Term time) to one of the Serjeants at the Bar, having called up your Clients between the Serjeants; but the Demandant need not to appear, only the Tenant and Voucher. And if your Client be a Noble Man, you must place him in the middle of the Bar between the Kings Serjeants or the two other eldest Serjeants in their absence. Your Precipe being delivered the Serjeants will plead, and soon dispatch your Business.

* Note, the fittest time will be in the Morning when the Judges first sit down, before they enter upon Business.

If the Recovery be with ſingle Voucher three Serjeants plead it; one for the Demandant, one for the Tenant and the third for the Vouchee.

If with a double Voucher then four Serjeants.

If with a treble Voucher then five Serjeants.

Every Serjeants Fee being 3 *s.* 4 *d.* out of which each Serjeant allows to the Clerk that ſueth out the Recovery 1 *s.* 4 *d.* ſo that you pay them only 2 *s.* a piece.

The Form of the Serjeants pleading a Recovery with ſingle Voucher is as followeth.

1. THE Serjeant, who hath the Remembrance, will ask which is the Tenant, and cauſe him to ſtand up, as alſo the Vouchers, to the intent they may be ſhewn to the Court; then the Judge will ask, Who knows the Parties which you or ſome other muſt anſwer, you know them to be ſuch Parties, leſt there ſhould be Fraud in it, as there hath been formerly, where the Husband brought in another Woman a Stranger ſaying, ſhe was his Wife, and ſuffered a Recovery of his Wifes Land to cut off her Eſtate without her conſent.

And note, That *Roll* Chief Juſtice ſaid, that though it was not neceſſary to examine a Feme Covert when ſhe joyns with her Husband to ſuffer a Recovery; yet he held it prudential, and that he uſed to do it, *Pract. Reg.* 134, 295.

Then

Then the first Serjeant counts by the Prothonotaries Remembrance according as the Writ is there entred after this manner, *viz.*

Ceo vous monstre J. D. que J. S. ad luy before ver Mannor de D. overs les appertenures en le Countie de C. (reciting all the particulars) & que ceo est son droit & inheritance d'ount il meisme fuit seisie en son demesne come de fee & droit en temps la peace en temps la Roy qui ore est. Et les Tenures ne pleise al value de vemye Mark & pluis. Et en oultre le dit J. S. n'ad pas entre fi non puis dissessin que H. Hunt de ceo vers ioulment & sans Judgment a fait au le dit J. D. deins triginta ans darrein passe fi le dit J. S. ceo voit devire, vous aves cy le dit J. S. que le ceo ad prest son suite.

Le primier Serjeant.

The Serjeant for the Tenant saith. Vous aves cy le dit J. S. qui defend son droit & vouch a garranty Edm. Clent & prie que il soit summon deins le Countie avantdit & le ait en rest Court.

Le second Serjeant.

Vous aves cy le dit Edm Clent qui cy est pret d'enter en le garranty & prie que le demandant counta vers luy.

3. Serjeant.

Autiel Count (mutatis mutandis.) 1. Serjeant.

Vous aves cy le dit Edm Clent qui defend son droit & dit que le dit H. Hunt ne dissessi pas le dit J. D. sicome le dit J. D. per son briefe & Count suppose & fuit ceo luy mitte sur le pais.

3. Serjeant.

Ore voltre conge vous volumus imple. 1. Serjeant.

If it be with a double Voucher, then the first Serjeant counts as before. Ceo vous monstre &c. And

Doucle Voucher.

2. Serjeant. And so likewise the second for the Tenant as before, only instead of Common Vouchee he calls the first Voucher *A. B.*

3. Serjeant. Then the Serjeant of the Vouchee must desire the Judges to record the Appearance of the Vouchee (and so of every Vouchee unless it be Common Vouchee) which done he must say, Vous aves cy le dit A. B. que cy est prist dentre en le garanty & prie que le demandant counteroit envers luy.

1. Serjeant. Autiel Count (mutatis mutandis.)

3. Serjeant. Vous aves cy le dit A. B. qui defend son droit & vouch a garranty Cotid Client Et prie que il soit summon deins le County avant dit p le sin de cest Court.

4. Serjeant. Then the fourth Serjeant must say, Vous aves cy le dit Cotid Client que cy est prist dentre en le garranty & prie que le demandant counteroit envers luy.

1. Serjeant. Autiel Count (mutatis mutandis.)

4. Serjeant. Vous aves cy le dit Cotid Client qui defend son droit & dit que le dit Hugh nunc ne disseisa pas le dit J. D. ficome le dit J. D. p son briet & count luppose Et sur ceo luy mitte sur le pais.

1. Serjeant. Ove vostre congé nous volumus emplie.

And so in the like manner if it be with treble Voucher, (*mutatis mutandis.*)

The Tenant and Vouchers Appearances being recorded, and the Serjeants Plea ended, the Prothonotary sitting in Court will mark the Remembrance in the Margent of the Precipe thus, [*Ad Barram.*] Which done and the Fees of the Court paid, you must get the Cursitor of the County

County to make your Writ of Entry by the Precipe drawn up in Paper as is afore directed; and having your Writ of Entry unsealed, you must proceed therewith in the Alienation Office and other Offices in all things as in Writ of Covenant upon a Fine; for the * Fees are all one, only you must have the Attorny General's Hand to your Writ of Entry (which you have not to a Writ of Covenant) for which you pay 10 s.

* See before the Rule of Fees for Alienation Office, and see after.

Then take your Writ and get it sealed, and then open it and return it, as you do a Writ of Covenant.

Then deliver your Writ to a Clerk of the Prothonotaries Office, who entreth for you, and he will enter and exemplifie your Recovery; but if you can enter it your self, then first draw up your Recovery after this manner, supposing it was in *Wiltshire* and betwixt the Parties following, with the Parcels.

See after for a Writ of Entry and Return.

The Form of a Recovery with a single Voucher.

Wilts' ss. J. H. Armiger in propria persona sua petit vers D. W. Gen tria Mesuagia septem Gardina septuaginta Acr Terre novem Acras Prati quindecim Acras Pasture viginti Acr Jampnorum & Bruere & Communiam pasture pro omnibus Actis & Communiam turbarie cum pertin in S. ut jus & hereditatem suam Et in que idem D. non habet ingressum nisi post disseisinam quam Hugo Hunt inde injuste & sine Judicio dett præfat J. infra triginta annos &c. Et unde dicit qd ipsemet fuit seisitus de Tenementis

mentis & Communiis ꝓdict cum pertin in dominico suo ut de feodo & jure tempore pacis tempore Domini Regis & Domine Regine nunc capiendo inde exples ad valenciam &c. Et in que &c. Et inde producit sectam &c.

Et predictus D. in propria persona sua venit & defendit jus suum quando &c. Et vocat inde ad war' Edmundum Clent qui presens est hic in Curia in propria persona sua Et gratis Teneñta & Comunias ꝓdict ei war' &c. Et sup hoc ꝓd J. pet Clus inq; Edmundum tenen p War' suam Tenem & Communias ꝓdictas cum ptin in forma ꝓdicta &c. Et unde dicit quod ipsemet fuit seisitus de Tenementis & Communiis ꝓdict cum ptin in dominico suo ut de feodo & jure tempore pacis tempore Dñi Regis & Dñe Regine nunc capiendo inde exples ad valenciam &c. Et in que &c. Et inde producit sectam &c.

Et predictus Edmundus tenens per war suam defend jus suum quando &c. Et dicit qđ predictus Hugo non fuit seisitus predictum J. de Tenementis & Communiis ꝓdictis cum pertin put idem J. per breve & narrationem suam predicta superius supponit Et de hoc ponit se sup patriam &c.

Et predictus J. petit licenciam inde interloquendi Et habet &c. Et postea idem J. venit hic in Cur' isto octavo Termino in propria ꝑsona sua Et ꝓdictus Edmundus licet solemniter exact non venit nec set in contemptum Curie recessit & defalt facit Ideo consideratum

veratum eſt qd predictus J. recuperet ſeiſinam ſuam verſus prefatum D. de Tenementis & Communis prediciis cum ptin Et quod idem D. habeat de terra predicti Comunni ad valentiam &c. Et idem Comunnus in miſericordia &c. Et ſuper hoc prediciis J. petit Breve Dni Regis & Dne Regine Et recomitit Comitatus predicti diligendo de habere faciend ei plenariam ſeiſinam de Tenementis & Communis prediciis cum ptin Et ei conceditur retornabile hic a die *Sancte Trinitatis in tres ſeptim &c. Ad quem diem venit hic in Cur prediciis J. in propria perſona ſua Et dic vicecit B. P. Armiger modo mand quod eple virtute Breuis p̃dicti ibi direct octavo die Junii ult p̃terit habere fecit p̃fat J. plenariam ſeiſinam de Tenementis & Communis p̃dictis cum pertin prout p̃ Breve illud ibi preceptum fuit &c.

Note, you may alſo get ready your Writ of Seiſin and ſeal it, and return it with your Writ of Entry. See after for a Writ of Seiſin and Return.

* Note, The Writ of Seiſin ought to be made returnable at leaſt 15 days after the Return of the Writ of Entry; but if the Writ of Entry be returnable towards the later end of the Term, ſo that there are not 15 days between the Return of the Writ of Entry and the end of the Term; then the Writ of Seiſin muſt be made [*returnabile hic indilate*] and the Writ of Seiſin muſt always bear *Teſte* of the Return of the Writ of Entry when there is no Summons. See more concerning Writ of Seiſin and Return after.

The Form of a Recovery with Double Voucher.

Berks' ff. J. D. Armiger in propria perſona ſua pet verſus A. D. Generoſum & R. H. Generoſum ler Peluagia unū Columbar ler Gardina quadringentas Acr Terre duodecim Acras Prati duodecim Acr

Pasture viginti & quinq; Acr Bosci ducentas Acr Pampnoz & Bruere Libertat ducozum Falvagiozum & curs Obium cum pti in L. C. L. & C. G. ut jus & hereditatem suam & in que iidem A. & R. non habent ingressum nisi post dilleisinam quam Hugo dunt inde injuste & sine judicio fecit put infra crastinum annos &c. Et unde dic qd ipsemet fuit seisit de Tenementis Libertat & curs obium predict cum ptin in dnico suo de feodo & jure tempore pacis tempore Dni Regis & Dne Regine nunc capiend inde exples ad valentiam &c. Et in que &c. Et inde produc sectam &c.

Et predict A. & R. in propriis plonis suis ven & defend jus suum quando, &c. Et vocant inde ad war J. H. Armigerum qui presens est hic in Cur in propria persona sua & gratis Tenementa Libertat & curs obium predict cum pertin eis war &c. Et super hoc previctus J. D. per versus ipsum J. H. tenend p war suam Tenemta Libertat & curs obium predict cum ptin in forma pdca &c. Et unde dic qd ipsemet fuit seisit de Tenementis Libertat & curs obium predict cum ptin in dnico suo ut de feodo & jure tempore pacis tempore Dni Regis & Dne Regine nunc capiend inde exples ad valentiam &c. Et in que &c. Et inde produc sectam &c.

Et previctus J. H. tenens p War suam defend jus suum quando &c. Et ulterius vocant inde ad War Edmundum Client qui similiter presens est hic in Cur in propria persona sua & gratis Tenemta Libertat & curs obium

Dict

Poick cum pertin ei vad' &c. Et super hoc Poick J. D. pet plus ipsum Comunvum tenen p vad suam Tenencia Libertat & curs ovium Poick cum ptin in forma previsa &c. Et unde dic qd ipsemet fuit seisit de Tenementis Libertat & curs Ovium Poick cum ptin in dominico suo ut de feodo & jure tempore pacis tempore Dni Regis & Dne Regine nunc capiend inde exples ad valentiam &c. Et in que &c. Et inde ponit sectam &c.

Et predict Comunvus tenens p Mat. sua defend jus suum quando &c. Et dic qd Poick Hugo non dilleivit pfat J. D. de Tenementis Libertat & curs Ovium Poick cum pertin pout idem J. p Breve & Narrationem sua predicta supius suppond Et de hoc pon se inp patriam &c.

Et predictus J. D. pet licentiam inde interloquendi & habet &c. Et postea idem J. venit hic in Cur isto eodem termino in propria plona sua & predict Comunvus licet solempniter exact non venit set in contempt Cur recessit & defalt fecit Ideo consideratum est quod Poick J. D. recuper seisinam suam plus pfat A. & R. de Tenementis Libertat & curs Ovium Poick cum ptin Et quod idem A. & R. habeant de Terra Poick J. H. ad valentiam &c. Et qd idem J. H. ulterius habeat de Terra Poick Comunvi ad valentiam &c. Et idem Comunvus in mia &c. Et inp hoc Poick J. D. pet Breve Dni Regis Tic Cond Poick dirigend de habere faciend ei plenariam seisinam de Tenementis Libertat & curs Ovium Poick cum pertin Et ei conce-

plitur rationabile hic in Octabis Scī Hillarii &c. An quem diem hic ven̄ prędictus J. D. in propria plona sua &c. Et illic venit R. D. Armig. modo manū quod ipse virtute Brevis prędicat sibi dirett vicesimo * die Decembris ult. prēt̄ habere prefat J. D. plenariam te-nūam de Tenementis libertat. & curiu Dom. Poīt cum ptin. prout p Breve illud sibi pre-ceptum fuit &c.

* Note you may suppose Seisin to be delivered any reasonable time between the *Teste* and Return allowing that a Man might ride from *Westminster* to the Land and back again by that time, which may be supposed to be done in six days in any part of *England*.

The Form of a Recovery with Treble Voucher.

North' ſ. J. H. in propria plona sua pet̄ vs F. J. Generosum quatuor Acr Pasti cum ptin̄ in Wellingborow alias Wendlingborow & Dodington magna ut jus & hereditatem suam Et in que idem F. non habet ingressum nisi post dissessinam quam Hugo Hunt inde injuste & sine Judicio fec. prefat J. infra triginta annos &c. Et unde dic. quod ipsemet fuit seisit de quatuor Acr' pas. dict. cum ptin̄ in dominico suo ut de feodo & jure tempore pacis tempore Dni Regis & Dne Regine nunc capiend inde exitus ad valentiam &c. Et in quas &c. Et inde ponit sectam &c.

Et prędictus F. in propria plona sua ven̄ & defend jus suum quando &c. Et vocat inde ad war̄ R. D. de H. Juniorem Gen̄ qui

Plens

plens est hic in Cur in propria plona sua & gratis quatuor Acr pdict cum ptin ei war &c. Et sup hoc pdictus J. pet ulus ipsum R. tenen p War suam quatuor Acr pdict cum ptin in forma pdicta &c. Et unde dic quod ipsemet fuit seisit de quatuor Acr predict cum ptin in dominico suo ut de feodo & jure tempore pacis tempore Dni Regis & Dne Regine nunc capiend inde exples ad valentiam &c. Et in quas &c. Et inde produc sectam &c.

Et predictus R. tenens p War suam defend jus suum quando &c. Et ulterius voc inde ad War H. M. de H. Ar qui similiter plens est hic in Cur in propria plona sua & gratis quatuor Acr pdict cum ptin ei war &c. Et super hoc predict J. pet ulus ipsum R. M. Armig tenen per war suam quatuor Acr pdict cum ptin in forma pdict &c. Et unde dic quod ipsemet fuit seisit de quatuor Acr pdict cum ptin in dominico suo ut de feodo & jure tempore pacis tempore Domini Regis & Dne Regine nunc capiend inde exples ad valentia &c. Et in quas &c. Et inde produc sectam &c.

Et pdictus Ricus M. Armig tenens per war suam defend jus suum quando &c. Et ulterius voc inde ad war Edmundum Clent qui similiter plens est hic in Cur in propria plona sua & gratis quatuor Acr predict cum ptin ei war &c. Et super hoc pdict J. pet ulus ipsum Edmundum tenen p war suam quatuor Acr pdict cum ptin in form predict &c. Et unde dic quod ipsemet fuit seisit de

quatuor Aeris Poict cum ptin in dominico
suo ut de feodo & jure tempore pacis tempore
pacis Dñi Regis & Dñe Regine nunc capi-
endo inde exples ad valentiam &c. Et in quas
&c. Et inde ponit lectam &c.

Et Petrus Edmundus tenens p Mar nid
defend jus suum quando &c. Et dicit quod P.
Poict Hugo non disseisivit Pfat J. de quatuor
Aer Poict cum ptin pront idem J. p Dñe
& Mare fud Poict supius supponit Et de hoc
ponit se sup Patriam &c.

Et Petrus Johes pet licentiam inde inter-
loquendi Et habet &c. postea idem Johes
venit hic in Cur illo eodem Termino
propria persona sua Et Petrus Edmundus
licet solempniter exact non venit set in con-
temptum Cur recessit & defalt facit Et
consideratum est quod Poict Johes recup
seisinam suam dicus Pfat J. de quatuor Ac
Poict cum ptin Et quod idem J. habeat
Terra Poict R. D. Genoli ad valentiam &c.
Et quod idem R. ulterius habeat de Terra
Poict R. D. Armigeri ad valentiam &c. Et
quod idem R. ulterius habeat de Terra P
Edmundi ad valentiam &c. Et idem Edmun-
dus in mia &c. Et sup hoc Petrus J. pet
Breve Dñi Regis Mic Com Poict dirigen
de habere faciend ei plenar seisinam de qu
tuor Aeris previs cum ptin Et ei conced
tur retornabile hic indilate &c. postea scil
tertiodecimo die Febr anno illo eodem Ter
mino venit hic in Cur Poict J. in propria p
sona sua Et Mic videt H. S. modo mand
quod ipse virtute Brevis predict sibi dire

octabo

octavo die Februarii ult preſt habere fec
Jac J. plenar teſtimam de quatuor Acris p
dict cum ptin put p Breve illud ſibi prept
fuit &c.

The Form of a Recovery with a Quadruple Voucher.

Mich. H. L. Generoſus & S. E. Generoſus
in propriis perſonis ſuis petunt
alus M. E. Gen Baneria de Elred als El
fred Dunſord alias Danſord alias Demp
ord Dedlinge alias Dedling Farnehurſt
alias Farneſt Awkesborne als Hawkisborne
alias Old Park Camoys-Court Croxton als
Craxton alias Crudingron Ford & Dawk
inggridge cum ptin Decem centum Pe
agia centum Carcina quatuor mille Acr
Terre trecentas Acr Prati mill Acr Paſtur
ringentas Acr Bolci quingentas Acr Jam
inum & Bruere trecentas Acr Bartici & tri
ram Marebnam cum ptin in Elfred als
Elbelred Dunſord als Danſord als Demp
ord Dioling alias Dedling Awkesborne als
Hawkisborne als Old Park Camoys-Court
Croxton als Craxton alias Crudingron Al
ias Dallingridge Farnhurſt als Fernhurſt
Dreyford Derrick Horſham Nurſtead alias
Nurſtead Barcombe Birclinge St. Johns
ſub Caſtro de Lewes Chaley East Grim
ſtead Horſted Keynes Hodely alias Heath
ley & Weſt Hedly alias Weſt Heathley Ac
Advocationem Eccleſiar de Ruper & Hitch
inghelo ut jus & hereditatem ſuam Et in

que

que idem W. & M. non habent ingressum nisi post dessesinam quam Hugo Dunc. inde injuste & sine judicio fecit Pat. W. & M. infra triginta Annos &c. Et unde dicunt quod ipsimet fuerunt seisiti de Manerijs Parcu & Tenementis libera Warenna pdict cum pert. in dominico suo ut de feodo & jure Ac de Advocatione pdict ut de feodo & jure tempore pacis tempore Dñi Regis & Dñe Regine nunc capiend inde explees ad valentiam &c. Et in que &c. Et inde pduc sectam &c.

Et pdictus W. & M. in propria persona suis ven & defend jus suum quando &c. Et vocant inde ad war T. C. Generosum qui pens est hic in Cur in propria plona sua & gratis Manerij Parcum Tenementa & liberam Warennam pdict cum pert ac Advocationem pdict &c. war &c. Et sup hoc pretict W. & M. petunt versus ipsum T. teneri p warr suam Manerij Parcum Tenementa & liberam Warennam pdict cum pert ac Advocationem pdict in forma pdict &c. Et unde dicunt quod ipsimet fuerunt seisiti de Manerijs Parcu & Tenementis & libera Warenna pdict cum pert in dominico suo ut de feodo & jure ac de Advocatione predicta ut de feodo & jure tempore pacis tempore Dñi Regis & Dñe Regine nunc capiend inde explees ad valentiam &c. Et in que &c. Et inde pduc sectam &c.

Et pdictus T. teneus p warr suam defend jus suum quando &c. Et ulterius hoc int ad war J. B. Armiger qui similiter pens est hic in Cur in propria plona sua Et gratis Manerij Parcum Tenementa & liberam

Warennam

Warennam Poict cum ptin ac Advocatione
venitam eis war &c. Et super hoc predicti
D. & S. petunt versus ipsum J. B. tenend p
war suam Maneria Parcum Tenementa &
liberam warennam Poict cum ptin ac Advo-
cationem Poict in forma Poict &c. Et unde
dic quod ipsimet fuerunt seisit de Maneriis
Parco Tenentis & libera Warenna Poictis
cum ptin in dominico suo ut de feodo & jure
& de Advocatione Poict ut de feodo & jure
tempore pacis tempore Dñi Regis & Dñe
Regine nunc capiend inde exples ad valen-
tiam &c. Et in que &c. Et inde produc
tam &c.

Et Postea J. B. tenens p war suam de-
fendit jus suum quando &c. Et ulterius vocat
inde ad war R. L. Militem qui similiter pre-
sens est hic in Cur in propria persona sua. Et
dicit Maneria Parcum Tenenta & liberam
Warennam Poict cum ptin ac Advocationem
Poict eis war &c. Et super hoc predicti D. &
S. petunt filius ipsum R. L. tenend p war
suam Maneria Parcum Tenenta & liberam
Warennam Poict cum ptin ac Advocationem
Poict in forma Poict &c. Et unde dic quod
ipsimet fuerunt seisit de Maneriis Parco Te-
nementis & libera Warenna Poict cum ptin
in dominico ut de feodo & jure ac de Advo-
catione Poict ut de feodo & jure tempore pa-
cis tempore Dñi Regis & Dñe Regine nunc
capiend inde exples ad valentiam &c. Et in
que &c. Et inde produc tam &c.

Et Postea R. L. tenens p war suam de-
fendit jus suum quando &c. Et ulterius vocat

inde

inde ad war Edmundum Clent qui similiter
ꝑsens est hic in Cur in ꝑpria ꝑsona sua Et
gratis Vaneria Parcum Tenementa & liberam
Warennam ꝓdict cum ꝑtin ac Advocacione
ꝓdict eis war &c. Et super hoc ꝓdicti H.
S. petunt ꝑlus ipsum Edmundum remed
war suam Vanerie Parcum Tenementa
liberam Warennam ꝓdict cum ꝑtin ac
vocationem ꝓdict in forma ꝓdict &c. Et
dicunt quod ipsimet fuerunt seisiti de
rijs Parco Tenementis & libera Waren
ꝓdictis cum ꝑtin in dominico suo ut de
& jure ac de Advocacone ꝓdict ut de fe
jure tempore pacis tempore Dñi Reg
Dñe Regine nunc capiend inde erpleꝫ
tentiam &c. Et in que &c. Et inde p
sentiam &c.

Et postea Edmundus tenens p war
petend jus suum quando &c. Et dic qd
dictus Hugo non dilitauit ꝓdict H. & S.
Vanerijs Parco Tenementis & libera War
na ꝓdictis cum ꝑtin ac de Advocatione
pour rivem H. & S. p Breve & Narr
ꝓdict superius suppon Et de hoc pon se
Patriam &c.

Et ꝓdict H. & S. petunt licentiam inde
terloquendi Et habent &c. Et postea ide
H. & S. revenn hic in Cur ikto eodem Ter
mino in ꝓpriis personis suis & postea Ed
mundus licet solempniter exact non reve
fet in cõtemptum Curie recessit & defalt fa
Ideo consideratum est qd ꝓdict H. & S. re
perent seisinam suam ꝑlus ꝓdict H. & N. de
Pantis Parco Tenementis & libera Wavenna

ꝓdict

predict cum ptin ac de Advocatione predict Et qd idem H. M. habeant de Terra predict L. C. ad valentiam &c. Et qd idem L. C. ulterius habeat de Terra predict J. B. ad valentiam &c. Et quod idem J. B. ulterius habeat de Terra predict R. L. ad valentiam &c. Et qd idem R. L. ulterius habeat de Terra predict Edmundi ad valentiam &c. Et idem Edmundus in mia &c. Et sup hoc predict H. & S. petunt Breve Dñi Regis Vic Com predict dirigend de habere faciend eis plenar seisinam de Maneriis Parco Tenemtis & libra Marenna predict cum ptin ac de Advocatione predict Et ei conceditur recognabile hic inutlatz &c. Postea scilt duodecimo die Februarii isto eodem Termino ven hic in Cur predict H. & S. in propria psona sua Et hic vidclt Thomas Piers Baronettus monstrand qd ipse virtute Brevis predict sibi dirat septimo die Februarii ult pterit habere fecit pfat H. & S. plenar seisinam de Maneriis Parco Tentis & libera Marenna predict ac ptin ac de Advocacone predict put p Breve illud sibi preceptum fuit &c.

Your Recovery being thus drawn, you must next enter it upon a Plea Roll which the Prothonotary will give you for that purpose.

The next thing is to make an Exemplification for your Client, which you may do after the manner following.

The

The Exemplification of a Recovery with single Voucher where the Parties appear in person at the Bar.

Gulielmus & Maria Dei gra Angl Scot Franc & Hibnie Rex & Regina Fidei Defens &c. Dilectis & fidelibus suis Justic nostris de Banco & Termino Sci Michaelis Anno Regni nri quarto Rotulo * vicesimo quarto continetur inter Willm ll. J. H. Armig in propria persona sua per breve D. Wm. Gerd tria Messuagia &c. [Setting forth the whole Recovery verbatim according to the * Presidents with single Voucher unto the end of these words] prout p Breve illud sibi præceptum fuit &c. Nos omnia & singula ad requisitionem præd J. H. tenore præsentium duximus exemplificand In cujus rei testimonium sigillum nostrum ad Brevia in Banco coram nobis residen deputat præsentibus apponi fecimus Teste Georgio Treby apud Westm vicesimo quinto die Novembris Anno Regni nri quarto.

* According to the number of the Roll you entred it on.

* *i. e.* according to the Recovery you entred on the Roll.

The same Form may serve for Recovery with double or treble Voucher, &c. *mutatis mutandis.*

Note, You must teste your Exemplification after the Return of the Writ of Seisin; but if there

there be not * fifteen days between the Return of the Writ of *Entry* (or a Writ of Summons when by Summons) and the end of the Term; then muſt the Writ of Seiſin be returnable *indilate*; and the Exemplification muſt bear *Teſte* the laſt day of the Term in which the Writ of Entry (or Summons) came in.

Note alſo that if the Writ of Entry (or Summons when neceſſary) be returnable ſo late in the Term, that the Writ of Seiſin cannot come in returnable in the ſame Term, but that it muſt be returnable the next * Term. Then in your Exemplification you muſt obſerve, That after awarding the Return of the Writ of Seiſin, you muſt break off and conclude as before, Que omnia &c. And then upon the folding up of the bottom of the Exemplification, or on the label you muſt endorſe thus, Ad quem diem venit petit (the Demandant) in propria perſona ſua Et uic venit A. B. modo manu ipſe virtute Brevis ſibi directi vicecomes * die Junii alit. Poterit habere fec. ſtat (the Demandant) plenar ſeiſinam de Tenementis petit cum pert. put p Breve illud ſibi deputum fuit &c. But in the Roll there is not any ſuch diſtinction.

* As when 'tis returnable *Octab. Trin.* or *Quinden' Trin.* there are not 15 days from the *Teſte* of *Octab. Trin.* or *Quinden' Trin.* until *Tres Trin.*

* As when the Writ of Entry or Summons, is returnable the laſt Return of any Term (except Eaſter Term) then the Writ of Seiſin muſt be awarded the firſt Return of the next Term, but if of *Eaſter* Term then the ſecond Return of *Trin.* Term.

* Note, this Execution of the Writ of Seiſin may be ſuppoſed on any day, not being Sunday, between the *Teſte* and the Return of the Writ of Seiſin, ſo that you allow time enough that one may be ſuppoſed to ride from *weſtminſter* to the Land and back again by that day. See more hereafter.

Your Exemplification being thus made, and alſo your Writ of Seiſin [in the mean time] being made and returned as of courſe: Then

examin

examin your Recovery with the Prothonotary (having first perfected the Precipe in the Remembrance according to the *Teste* and Return of your Writ of Entry as is afore observed) then Docket your Recovery, which done, the Prothonotary will sign your Exemplification which with your Writ of Seisin you must get sealed; and then you must be careful to see both your Writ of Entry and *Seisin filed with the *Custos Brevium* of the Common Pleas; for that is the Warranty for your Proceedings had: And then you have no more to do, but to deliver the Exemplification of the Recovery to your Client.

* Note, they must be both signed by the Clerk of the Inrolment Office, to whom you must pay 2 s. 6 d. out of which he allowe th 6 d. to the Clerk that fresh cut the Recovery.

Note, If your Client will be at the Charge you may have both the Writs of Seisin and Entry exemplified with their Returns for fear of any miscarriage in filing them, which Exemplifications are usually had at the Enrolment Office. For by the Statute 23 *Eliz. c.* 3. an Office was erected for the Enrolment of Writs of * Entry and Seisin and Writs of Covenant, &c. And it is thereby Enacted, That the Exemplifications of such Writs shall have the same force and power as Writs themselves: The Form whereof you may find after.

* Also you may exemplifie your Writs of Summons and Warrants of Attorny, &c.

Thus have I shewn you step by step, how to pass a Recovery at the Bar with the Exemplifications thereof; next I will endeavour to shew you how to sue forth a Recovery by *Dedimus Potestatem* and Warrant of Attorny.

When

When your Tenant or Vouchers will not or cannot come into the Court in perſon, you muſt paſs your Recovery by Warrant of Attorney.

Theſe Warrants of Attorney may be taken two ſeveral ways.

1. Either by any of the Judges of Aſſize of either Bench, Barons of the Exchequer, and as ſome ſay, by Serjeants at Law in their Circuits without a *Dedimus Poteſtatem*: Or,

2. By a *Dedimus Poteſtatem* directed to Commiſſioners in the Country.

Warrant of Attorny for Tenant in ſingle Voucher

Firſt then by Warrant of Attorney before a Judge (&c.) for the Tenant.

Draw up your Warrant in Parchment thus:

Ebor' ſſ. PRecipe C. D. Ar' quod juſte &c. reddat A. B. Gen' viginti Peſuag' & quinque Gardina cum pertin' in E. que clam' &c.

Ebor' ſſ. C. D. Armig' po. lo. ſuo F. G. & H. J. conjunctim & divisim verſus A. B. Gen' de plito Terre.

Note, there muſt be two Attorneys at the leaſt and their Authority joint and ſeveral, that if one dye, the other may proceed, &c.

This done go with the Party before the Judge and he will underwrite the day of the Caption, or you may rather underwrite it your ſelf thus,

Capt' & Congnit' decimo die Aug' Anno Regni Dni Willi' & Dne Marie Regis & Regine nunc &c. quarto coram

G. Treby.

To which the Judge puts his Hand.

Note, There must be a Transcript in Paper to which the Judge also puts his Hand, and then is to remain with the Clerk of the Fines.

Next, you must proceed to get your Writ of Entry made and passed through the Alienation-Office, where it must be signed by the Commissioners, and entred into their Book; then carry it back to the Cursitor to be sealed; and from thence to the Kings Attorney General for his Hand.

Then enter your Precipe on the Remembrance with the Note in the Margin, and next pass your Recovery at the Bar, *&c.*

Warrant of Attorny for the Tenant and Voucher in a double Voucher.

See more after of the Entry and Proceeding in a Recovery with single Voucher, when the Tenant appeareth by Warrant of Attorny taken before a Judge. *fol.* 253.

If both the Tenant and Voucher appear by Attorney; then draw your Warrants of Attorny thus, for a Recovery with double Voucher.

Wilt' ff. Precipe J. W. qõ juste &c. redd' R. E. unũ Messuag' & decem Acr' Terre cum ptin' in M. que clam' &c.

Wilts' ff. J. W. po. lo. suo A. R. & T. T. &c. tenẽt suos conjunctim & divisim vlus R. E. de pl'to Terre &c.

Wilts' ff. H. M. quem J. W. vocat in Warr' po. lo. suo R. S. & J. P. conjunctim & divisim vlus R. E. de pl'to Terre. Capt & cognit (ut supra.)

G. Treby.

K

If with a treble Voucher, then the Warrants must be drawn thus,

Warrant of Attorny for Tenant and two Vouchers in a treble Voucher.

Lincoln' ff. Recipe E. W. quod juste &c. reddat W. G. decem Messuag cum ptin in S. que clam &c.

Lincoln' ff. E. W. po. lo. suo J. L. & J. A. conjunctim & divisim versus W. G. de plito Terre &c.

Lincoln' ff. J. D. quem E. W. voc ad Warr' po. lo. suo J. S. & W. B. conjunctim & divisim versus W. G. de plito Terre &c.

Lincoln' ff. O. D. quem J. D. voc ad Warr' po. lo. suo W. T. & J. E. conjunctim & divisim versus W. G. de plito Terre &c.

Capt & cognit &c. (ut supra.)

G. T.

Next proceed to get your Writ of Entry made and passed through the Alienation Office, which done, seal it; then it must be entred on the Roll, and a Writ of Summons awarded, which will come in five Returns after the *Teste* of the Writ of Entry inclusive. You must also make a Copy of the Declaration you entred on Parchment, which together with the Writ of Summons and Warrant of Attorny must be examined with the Prothonotary by the Writ

Note, you must make due Entry upon Record of all your Proceedings as they go on, for which see after.

of Entry and the Roll; then must you return the Writ of Entry and file it: The Writ of Summons you must seal, and keep it fixt together with the Warrant of Attorny and Copy of Declaration till the Writ of Summons be returnable, at which time you must bring the same to Court, and deliver it to one of the Serjeants who will draw it at the Bar as the manner is. Then paying your Fees you must take it from the Serjeant, and give it to the Prothonotary who will mark it [*ad Barram*] and give it you again. Then you must compleat your Entry on the Roll and prepare for the Exemplification and perfect the Recovery as is before directed.

See after for the Entry and Proceedings in these Cases when both Tenant and Voucher appear by Warrant of Attorny taken before a Judge.

Note, that although the Tenant appear by Warrant of Attorny if either the Recovery be of a single Voucher, or the Vouchers come in person, it needed no Summons, and so may the perfect Recovery of one Term.

Note, you must carefully file all your Warrants of Attorny with the Clerk of the Warrants and all your Writs whatsoever with the Custos *Brevium*.

How to take Warrants by Dedimus Potestatem *and to enter and pass the Recoveries thereupon.*

WHen you take your Warrants by *Dedimus Potestatem*, you must pro-

your *Dedimus* in the same manner, as when tis to take a Fine, *viz.*

Draw your Precipe in Paper for the Cursitor to make the *Dedimus* by, and then deliver it to the Cursitor of the County, having first written the Commissioners Names thereon, whereof one to be a Knight, thus:

Lincoln' ff. Precipe E. W. quod juste &c. reddat W. G. decem Messuag &c. prout in D. que clamat &c.

Des Pot direct { A. B. Mil'. C. D. Armig', E. F. } Gen'. G. H. }

If your *Dedimus* be for Vouchers, you must put down their Names in the Instructions.

Take your *Dedimus* and deliver it to the Commissioners with a Precipe and Warrant or Warrants of Attorny ingrossed, and let the Commissioners take the Caption, and then endorse it thus:

Note, the Vouchee must set his Hand to the Warrant.

Capt & Cognit apud D. in Com' L. decimo quinto die Aug Anno Regni Dni Willi & Dne Marie Regis & Regine nunc &c. quarto coram

A. B.
C. D.

You muſt alſo return the *Dedimus* on the back thus:

Executio iſtius Brevis (or Commiſſionis) patet in quadam Scedula huic Brevi annexa.

And then file the Precipe and Warrant to the back of the *Dedimus*, and ſo return it into the Court of Common Pleas.

If after the Caption any of the Commiſſioners refuſe to return it, the Party grieved may by *Certiorari* compel him that hath it in his Cuſtody, his Executors or Adminiſtrators to certifie it: The Form of which *Certiorari* ſee after.

If one of the Commiſſioners, who take the Cognizance be not a Knight (as many times happens) then a Certificate muſt be drawn up upon the Back of the Precipe and Warrant, and then to be carried to a Judge for his *Fiat*; the Form whereof may be thus:

A. B. Gent. one of the Commiſſioners in the Writ of *Dedimus*, named, maketh Oath, that theſe Warrants were duly taken, the Vouchees being of full Age. *A. B.*

And note, it is not held neceſſary to examin a Feme Covert when ſhe joins with her Husband to ſuffer a Recovery; yet it is thought to be prudential, *Pract. Reg.* 295.

Dedimus upon ſingle Voucher

Now obſerve, That if your *Dedimus* was only to take the Warrant of the Tenant upon a Recovery

Recovery with ſingle Voucher, then after it is returned, as above, by the Commiſſioners, carry your Caption back again to the Curſitor, who will make you a * Mittimus and Tranſcript of all your Proceedings.

* The Mittimus is to ſend the Tenor or Tranſcript in the Writ of Mittimus, and ſo he ſealeth the Writ of Mittimus.

Then proceed to your Writ of Entry, and enter the Precipe upon the Remembrance, and make the Note in the Margent thus;

Petens in propria perſona tenens p A. B. hoc Cum Clent.

Note, You muſt open your Mittimus and then file the Writ of Entry and Mittimus together, and deliver them with the Remembrance to a Serjeant, and ſo the Recovery paſſeth as the manner is at the Bar. Then you muſt enter your Mittimus and Tranſcript in a ſmall Hand upon the Plea Roll (taken from the Prothonotary) beginning with the Mittimus, which having recorded *verbatim & literatim*, then in one continued Line, begin, and go on with the annexed Tranſcript of the Writ of *Dedimus*, and do the like to the end, and then about a Thumbs breadth diſtance begin underneath and make an Entry of your Recovery in great Hand on the ſame Roll, and then prepare for your Exemplification, &c. as before directed.

The Entry of the Mittimus begins thus: Dominus Rex & Domina Regina mand' Juſtic' ſuis de Banco Breve ſuum cl'm in hec verba; and ſo recite the Mittimus, &c. See after. Note, You have only a Tranſcript of the *Dedimus*.

Note, Remember to file your Warrant of Attorny with the Clerk of the Warrants.

See more of Proceedings when the Tenant cometh not in person, but by Attorny, when the Recovery is with single Voucher.

Quere of this.

But if your Recovery be with a double Voucher (which is most usual) and the Tenant to the Precipe do not appear at the Bar; then you must proceed as followeth: You must sue out a Writ of Summons against the Vouchee together with a *Dedimus Potestatem*, as before directed, to take the Warrants. And at the fifth Return inclusive from the Writ of Entry (accounting that of the Writ of Entry for one) the Writ of Summons returned together with a Transcript of the Entry of the Summons being fairly ingrossed, and a Transcript of the Caption being, as before, made by the Cursitor, being all fixed together, you may so pass at the Bar.

Dedimus upon double Voucher.

But note, that if your Tenant do appear at Bar, then you must have a Writ of Summons against the Vouchee, and so against every Vouchee, except the common Vouchee, if it be with more Vouchers, and proceed therein as before directed. See for the Entry of these after.

Note, no Summons or Warrant against the Common Vouchee.

You must make due Entries upon Record of all your Proceedings as they go on.

Note, Having ingrossed your Summons in Parchment, you may examin it by the Roll with the Prothonotary. In like manner you may pass it at the Bar by the Return of the Caption before you have a Transcript thereof from the Cursitor as well as afterwards.

See

See more hereafter of the Entries and Proceedings when the Warrants are taken by *Dedimus Poteſtatem.*

Having neceſſarily ſpoken before of Writs of Entry, Summons and Seiſin; I will next ſet down the Forms thereof with ſome obſervations thereon.

And firſt of a Writ of Entry; yet 'tis the Buſineſs of the Curſitor of the County where the Lands lye to make it.

The Form of a Writ of Entry out of the Chancery.

GUlielmus & Maria Dei gra Angl Scoc Franc & Hibnie Rex & Regina fidei Defenſ &c. Vic Mod ſalt̃em Pꝛecipe A.B. quod ſuſte & ſine dilatione reddat C.D. quatuoꝛ Meſſuagia quatuoꝛ Gardina ducentas Acras Terre centum Acras Pꝛati creſcentas Acras Paſture quadꝛagintа Acras Bolci & creſcentas Acras Jampnoꝛum & Bꝛuere cum ꝓtin̄ in C. que clamat eſſe jus & hereditatem ſuam Et in que idem A. non habet ingreſſ niſi poſt diſſeiſinam quam Hugo Hunt inde inſuſte & ſine Judicio fecit ꝓfat̃ C.D. infra originat̃ Annos jam ult̃ elapſ̃ ut dic̃ Et unde queritur quod ꝓdict̃ A.B. ei deforc̃ Et niſi fec̃ Et ꝓdict̃ C.D. fec̃ te ſecur̃ de clam̃ ſuo poſ̃ tunc ſum̃ per bonos ſum̃ ꝓdict̃ A.B. quod ſit coram Juſtic̃ nꝛis apud Weſtm̃ a die Scti Michaelis in tres ſeptimanas oſtenſur̃ quare non fec̃ Et habeas ibi ſum̃ & hoc Bꝛeve Teſte nobis ipſis apud Weſtm̃ &c.

It

It is returned thus:

Pleg de pros { Johannes Doe, Richardus Roe.

Sund { Johann Den, Richard Fen.

R. S. Ar' Vic.

The Form of a Writ of Summons out of the Common Pleas.

GUlielmus & Maria Dei grā Angl' Scot' Franc' & Hibn' Rex & Regina Fidei Defens' &c. Vic' Sciatis Item Sund' p bonos fund' J. S. (the Vouchee) quod sit coram Justic' nostris apud Westm' in * Octab Sanct Martini ad warrantizandum A. B. quatuor Pelueg' quatuor Garbina ducentas Acras Terre centum Acras Prati trescentas Acras Pasture quadraginta Acras Bosci & trescent Acras Jampnorum & Bruere cum pert' in C. quas C. D. in Cur' nostra coram Justic' nostris apud Westm' calūn' ut jus suum vers' ipsus Phat A. B. p Breve nostrum de ingressu super disseisinam in le Post Et unde idem A. B. in eadē Cur' nūc vic' dicit J. S. fund'

* Note, There were formerly nine Returns between the Return of the Writ of Entry and Return of the Writ of Summons, and so betwixt one Writ of Summons and another: But by the Statute 17 *Car.* 2. *c.* 6. they are abridged to five Returns inclusive; as for example, If the Writ of Entry be returnable *Tres Mich'* then the Writ of Summons must be returnable *Octab. Martini*; If the Writ of Entry *Mens Mich.* then the Summons *Quindē Martini*; If the Writ of Entry *Crastin' Animarum*, then the Summons *Octab. Hill.* accounting the Return of the Writ of Entry for one, and then the fifth Return is the Return of the Summons; and so it is betwixt one Summons and another.

fu

In Com tuo ad Mart' versus eum Et habeas ibi Iumd & hoc Breve Teste Georg Treby apud Westm * vicesimo quarto die Octobris Anno Regni nri quarto.

* The first Writ of Summons must bear *Teste* the fourth day from the Return of the Writ of Entry; and so a second Summons from the Return of the first.

And it is returned after this manner:

Sum { Jones Denn, Ricus Fenn, } R. S. Ar Vic.

The Returns of the Four Terms.

Mich. Term

Tres Mich } a die Scī Michaelis in tres septimanas.
Mens Mich } a die Scī Mich in unum Mensem.
Crast. Anim } in Crastino Animarum.
Crast. Mart } in Crastino Sancti Martini.
Octab Mart } in Octab Sancti Martini.
Quind Mart } a die Scī Martini in quindecim dies.

Hill. Term

Octab Hil } in Octab Sancti Hillarii.
Quind Hil } a die Sancti Hillarii in quindecim dies.
Crast. Pur } in Crastino Pur' beatæ Mariæ Virginis.
Octab Pur } in Octab Pur' beatæ Mariæ Virginis.

Easter Term

Quind Pasch } a die Pasch in quindecim dies.
Tres Pasch } a die Pasch in tres septimanas.
Mens Pasch } a die Pasch in unum mensem.
Quinq Pas. } a die Pasch in quinque septimanas.
Crast. Ascen } in Crastino Ascensionis Domini.

Trin. Term

Crast. Trin } in Crastino Sanctæ Trinitatis.
Octab Trin } in Octab Sanctæ Trinitatis.
Quind Trin } a die Stæ Trin in quindecim dies.
Tres Trin } a die Scæ Trin in tres septimanas.

The

The Form of a Writ of Summons for the second Vouchee.

WIllus &c Maria (&c.) Vic' Vicd salutem. Sumd per bonos sumd T. W. (the second Vouchee) quod sit coram Justic' nostris apud Westm' in *Crastino Purificationis beate Marie Virginis ad warrantizand' I. S. quem A. B. alis in Cur' nostra coram Justic' nostris apud Westm' hoc ad warr' quatuor messuagia &c. (naming the Parcels) cum pert' in C. que C. D. in Cur' nostra coram Justic' nostris apud Westm' clam' ut jus suum versus prict' A. per Breve nostrum de ingressu super disseisinam in le Post Et unde idem I. in eadem Cur' nostra alterius hoc precipit T. W. sumd in Com' tuo ad warr' versus eum Et habeas ibi sumd &c hoc Breve Teste G. Treby apud Westm' vicesimo primo *die Novembris Anno Regni nostri quarto.

* The fifth Return from the first Summons inclusive

* Teste the 4th day from the Return day of the first Summons inclusive.

Sumd { Jo. Denn, / Ric. Fenn. } R. S. Ac' Vic.

The Form of a Writ of Seisin.

WIllus & Maria Dei grā Angl' Scot' Franc' & Hibn' Rex & Regina Fidei Defens' &c. Vic' Sals Scias quod C. D. in Cur' nostra coram Justic' nostris apud Westm' recuperavit seisinam suam versus

versus A. B. de quatuor Messuagiis quatuor Gardinis &c. (naming the Parceles) p Breve nostrum de ingressu super disseisinam in le Post Ideo tibi precipimus quod prefat C. plenar' seisinam de Tenementis petatis cum pertin' sine dilatione habere fac' Et qualit' hoc precept' nostr' fueris exact' constare fac' Justic' nostris apud Westm' * indilate Et habeas ibi hoc Breve Teste G. Treby apud Westm' quinto die Febr' Anno Regni nri quarto.

* *indilate*, because not 15 days in *Hill.* Term from the *Teste*. The *Teste* being the fourth day inclusive from the Return of the second Summons, if not Sunday.

The Return of the Writ of Seisin is after this manner:

VIrtute istius Brevis mihi direct' * decimo die Februarii Anno infrascript' habere feci infranominat' C. D. plenar' seisinam de Tenementis infraspec' cum pertinen' put interius mihi plicitur. R. S. Ar' Vic.

* Any reasonable day betwixt the *Teste* and Return, so it be not Sunday as is before observed.

The manner of entring these Writs you will find amongst the Presidents of Entries following; as also the Form of a *Mittimus* and *Dedimus* spoken of before, and the manner of entring the same.

Proceedings in a Recovery with single Voucher, when the Tenant cometh not in Person but by Warrant of Attorny taken before a Judge.

First draw your Warrant of Attorny in Parchment, as before observed *fol.* 241. thus:

Ebor'

Ebor' ff. PRecipe C. D. Arm̃ qđ iuste &c. reddat A. B. gen̄ viginti mes. suag̃ & quing̃ garbina cum ptin̄ in G. que. clam̃ &c.

Ebor' ff. C. D. Arm̃ p̄ tō sua. F. G. & Y. J. conjunctim & divisim ders. sus A. B. gen̄ de ptio terre.

Capt & cognit decimo die Augusti Anno Regni Domini Willi & Domine Marie Regis & Regine nunc &c. quarto coram G. T.

There must be also a Transcript of this Warrant in Paper, to which the Judge sets his Hand for the Clerk of the Fines.

See before, fol. 241, 242.

When the Warrant is acknowledged, then sue forth your Writ of Entry, as is before observed, and take a Note of it into the Remembrance, as before, and a Note into the Margin thereof after this manner:

Ebor' ff. TEnens in ppr' ptona vocat Cum Client &c.

Then you may pass it at the Bar, as the manner is.

Next prepare for your Entry on the Plea Roll, after this manner.

Ebor' ff. A. B. gen̄ in ppr' ptona sua pet vers̄ C. D. Arm̃ viginti &c. suagis

ſuagia & quinq; Gardina cum ptin in C. ut jus & hereditat ſuam Et in que idem C. non habet ingreſſum niſi poſt diſſeiſinam quam Hugo Dunt inde injuſte & ſine judicio ferit ptat A. infra triginta annos &c. Et unde dic̃ qd ipſemet fuit ſeiſit de Menementis pred cum ptin in dominico ſuo ut de feodo & jure tempore pacis tepore Dñi Regis & Domine Regine nunc capiend inde Erples ad valenc̃ &c. Et in que &c. Et inde produc̃ ſect &c.

Et pred C. D. p F. G. Attorn ſuũ ven̄ & defend jus ſuum quando &c. Et voc̃ inde in Warr Edm Clene qui preſens eſt hic in Cur in propr ꝑſon ſua Et gratis Tenta pred cum ptin ei Warr &c. Et ſup hoc pred A. B. per ver̄ ipſum Edm Tenend per Warr ſuam tenta pred cum ptin in forma pred &c. Et unde dic̃ qd ipſemet fuit ſeiſit de tentis pred cum ptin in dominico ſuo ut de feodo & jure tempore pacis tempore Dñi Regis & Dñe Regine nunc capiend inde erples ad valenc̃ &c. Et in que &c. Et inde produc̃ ſectam &c. Et pred Edrus tenens p Warr ſuam defend jus ſuum quando &c. Et dic̃ qd pred Hugo non diſſeiſivit pfat A. de tentis pred cum ptin prout idem A. p bre & narr ſua pred ſuprius ſuppon Et de hoc pon ſe ſup patriam Et pred A. per licenciam inde interloquendi Et habet &c. Et poſtea idem A. revend hic in Cur ſilo eod Termino in propria perſona ſua Et pred Edrus licet ſolempnit exact non revend ſed in contempt Cur recedit Et defalt ferit Ideo

Tenant calls Common Vouchee.

Who enters into Warranty.

Pleads *non diſſeiſivit.*

Demandant imparles.

Common Vouchee makes default.

Judgment and Recovery in value.

Ideo consz est qđ pred A. recuper seisinam suam vers pfat C. de tentis pred cum ptin Et qđ idem C. habeat de terra pred Edmundi ad valenciam &c. Et idem Edmus in mia &c. Et sup hoc idem A. pet hic Dni Regis & Dne Regine Mre Com pred virgend ei habere faciend ei plenar seisinam de tentis pred cum ptin Et ei conceditur retornabile hic a die Scte Trin in tres septimanas Ad quem diem ven hic in Cur pfat A. in propr ploid sua Et vic videl. J. S. Bar modo mand qđ ipse virtute brīs sibi direct octavo die Junii ult pterit habere fec pfat A. plenar seisinam de tentis pred cum ptin prout p brē illud sibi preceptum fuit &c.

Note, Seisin may be said to be return'd in reasonable time betwixt the *Teste* and return of the Writ which must bear *Teste* the fourth day from the return of the Writ of Entry.

Next perfect your Remembrance, and make your Exemplification as before directed, and seal and file your Writs and Warrants of Attorny, &c.

Proceedings when the Tenant cometh not in Person, but by Attorny, when the Recovery is with single Voucher taken by Dedimus *to special Commissioners.*

Sometimes the Tenant appeareth not at the Bar in Person, but cometh by his Attorny made by Warrant acknowledg'd before the Chief Justice, Justice of Assize, or Serjeant at Law, or other special Commissioners, as before.

Form

Form of the Warrant in the Case aforesaid.

Ebor' ss. PRecipe H. C. Ar' qd̄ juste etc. r̄ R. H. virgat' mesuag' & quinq; gardina cum ptin' in L. que clam' etc.

Ebor' ss. HEnr' C. Ar' po. loco suo H. B. & Ric. H. conjunctim & divisim versus R. H. de plito terre etc.

Note, When this Warrant for the Tenant is to be taken before a Serjeant or special Commissioners, then a **Dedimus Potestatem** must be sued forth.

Note, Some hold that a Serjeant may take without a Dedimus, *sed quare.*

The Execution whereof is as before, and a Mittimus and a Writ of Entry; and if it be a single Voucher, then the Note of Entry must be thus:

Single Voucher by Dedimus.

Petens optat' placit' Tenens per Henric' Barbour voc' Vouchee, or John Tibetot, i. e. the Common Vouchee.

Then file the Writ of Entry and Mittimus together, and deliver them with a Remembrance to a Serjeant, and so the Recovery passeth at the Bar. Enter the Mittimus thus in a small hand:

Dominus Rex & Domina Regina mand' Justic' suis de Banco hic' brē suum de Mittimus clausum unacū tenore cujusdam brevis de Dēt Pot' de war' Attorn' recipiend' & retorn' ejusdē nuncion' war' Attorn' inde recept' in hec' Cōba, Gulielmus & Maria &c. So reciting it

with the Vedimus to the end, and then about an Inch under enter your Recovery in large Hand thus.

Ebor' ff. R. H. in propria persona sua pet versus H. C. Ar' vigint' &c. suag (ut ante,) Et pred H. p H. B. Attorn suum vem & defend jus suum quando &c. Et vocat inde ad war Georgium Hunkton qui plens (ut ante.)

Remember to file your Warrant of Attorny with the Clerk of the Warrants (as before.)

Proceedings when neither the Tenant nor Voucher cometh in Person, but by Warrant of Attorny, when the Recovery is with double Voucher, the Warrants taken before a Judge.

Now when the Recovery is to be with double Voucher, and if neither the Tenant nor Voucher appeareth in Person, then the usual way is for both of them to acknowledge Warrants of Attorny, which if acknowledged before the Chief Justice, or Justice of Assize, the form of them is thus.

Double Voucher by Warrants before a Judge.

Wiltes' ff. Precipe J. W. qđ juste &c. tenet dat R. E. unum mesuag & xxxtem acr' terr' cum pnt in W. & H. &c. clam' &c.

Wiltes' ff. J. W. pđ lo. suo A. M. & T. T. Attorn suos conjunctim & divisim versus R. E. de pl'ito terre &c.

Wiltes'

Wiltes' ff. H. Morgan quem I. W. nuper ad
war' p̄ to tuo R. S. & I. W.
conjunctim & divisim versus R. C. de plito
terre &c.

Capt' 8 tozii 10 die Augusti Anno
Regni Dñi Regis Caroli Secundi
14 tozam

Orl' Bridgeman,
John Willis,
Henr' Morgan.

When the Warrants are acknowledged, then the Writ of Entry is to be sued forth, and a Note of it taken into the Remembrance, and the Note in the Margin must be in this manner:

Peteñ in propr̄ plon̄ Tenem' 2 A.R. nup̄
Henr' Morgan unde fuit in Com̄ pred̄
ret' Dñi Partini.

This is not drawn at the Bar until the return of the Summons. But an Entry must be made upon the Roll of the Demand, and the Count against the Tenant, and the Tenants Voucher over; and the awarding of the Summons against the Vouchee as followeth.

Wiltes' ff. R. C. in propr̄is p̄sona sua p̄t̄
versus I. W. unum mesuagium (ut ante) Et unde petit̄ sectam &c.

Et pred J. p A. R. Actorn suum vend e defend jus suum quando &c. Et voc inde ad war Henricum Morgan qui in Com pred habeant eum hic in Oct Martini p auxilium Cur &c. Idem dies dat est partibus pred hic &c. A Transcript of this must be made, and a Writ of Summons as before. Then file the Writ of Summons to the Transcript with the Warrant, and at the return of the Writ, deliver these thus filed together to a Serjeant at the Bar, and the Recovery will pass the Bar.

The 2d. Entry of a Recovery, when both the Tenant and Vouchee come by Warrant of Attorny.

Wiltes ff. Richardus Ellis in ppria pona sua pet versus Johem Wm. unum messuagium & decem acras terre cum ptin in W. & S. ut jus & hereditatem suam. Et in que Idem Johes non habet ingrem nisi post dimissionem quam Hugo Dent inde injuste & sine judicio fecit pfat R. infra triginta annos &c.

Et pred J. p A. F. Actorn suum vend & alias voc inde ad war Henricum Morgan qui modo p ipum est in Com pred ham per &c. S. Actorn suum ulit vend Et gratis (ut in al) Et inde ponit se &c.

Et pred Henr Tenens p war suam defend jus suum quando &c. Et ulterius voc inde ad war Georgium * Hamden qui plenius est hic in Cur in ppria pona sua Et gratis (ut ante) to the return of the Writ of Scisin.

* The Common Vouchee.

Pre

Proceedings in a double Voucher when the Warrants are taken before a Serjeant or special Commissioner by Dedimus Potestatē.

Double Voucher by Dedimus before Commissioners

IF the Warrant for the Tenant and Vouchee be taken before a Serjeant at Law, or before a special Commissioner, then first sue forth a Commission for taking of a Warrant for the Tenant; then ingross the Warrant in Parchment, and after the Commission is returned, sue forth a Mittimus with a Writ of Entry, (&c.) This is not to be drawn at the Bar till the return of the Vouchees Summons. Then an Entry must be made of the Mittimus, and of the Demand, Count and Voucher, with Award of Summons against the Vouchee, (as when the Warrant is taken before a Judge,) Then a Transcript and Writ of Summons, as when before a Judge; Then a Ded Potestat for the receiving the Warrant of Attorny for the Vouchee, as before, and the Warrant to be ingrossed as before, and the Ded Potestat to receive the Warrant for the Vouchee, being returned with a Mittimus thereupon, Proceedings at the Bar, and Entry of the Recovery are as before, when the Writs are taken before a Judge. *See the form of the Entries next following.*

Dedimus Potestatem to take a Warrant for the Tenant.

Dedimus Potestatem for the Vouchee.

The Form of a Recovery with double Vouchee, where the Tenants appear by Attorny, and the Vouchers upon Summons, with the manner of entring the Mittimus and Transcript, and Dedimus Potestatem for the Tenants and Vouchees.

Staff. ff. The Precipe and Note to be taken into the Remembrance.

Precipe Johi Lutwich ten' gen & Radulpho Bzeretongen quer justic &c. versus Benjamino Thornbury Ar & Johan Broughton generoso ten' mesuag ter gardina viginti acras terr viginti acras pzati feragin acras pasture communiam pa sture pzo omnibus avertis & communiam turbarie cum pe tinenciis in Wayze Cholet Eccleshal Harleston & Dunely

Petens in propria persona Tenens per Thom' Hunt & M. Milde vic' Johem Lutwich jun' & Editham uxorem ejus sum' in Com' predicto r' Dn' Martini Advare'.

que clam' &c.

The Writ of Entry was returnable Tres Mich.

After your Commission for the Tenant is returned, and Mittimus and Writ of Entry sued forth; Then you must enter your Mittimus and the Demand, Count and Voucher with the Award of Summons against the Vouchee upon a Plea Roll, beginning in a small hand thus, viz.

Dominus Rex mandavit Justic' suis de Banco hic breve suum de Mittimus clausum unacum tenore cujusdam brevis ipsius Domini Regis de Dedimus Potestatem de warranl Attorn' recipiend & Retorn ejusdem

Mecum

Recnon warrant Attorn inde recept in hec verba Carolus secundus Dei Gracia Anglie Scocie Francie & Hibernie Rex Fidei Defensor &c. Justic suis de Banco salutem tenores &c. And so enter the Mittimus and Transcript of all the Proceedings for the Tenants in a small Hand upon the Plea Roll, beginning with the Mittimus (which is the least of the two Writs, and filed backwards) which having entred *verbatim*, then in one continued Line begin, and go on with the annexed Writ of Dedimus, and do the like to the end of the Caption, coram

A. B.
C. D.

And then begin a new Line, and enter the Count, Voucher and Award of the Summons in great exemplyfying Hand thus, *viz.*

Staff. ff. BEnjaminus Thornbury Armig & Johannes Wroughton generosus in ppriis ponis suis petunt versus Johannem Rutwich seniorem generosum & Rabum Wrereton generosum sex mesuagia sex Carucata viginti acras Bre viginti acras prati seraginta acras pasture cum pasture pro omnibus actis & coram turbarie cum ptin in Hayze Cholech Ecclesha Macclesfon & Dunesp ut jus & hereditatem suam Et in que idem Johannes & Rabus non habent ingressum nisi post dissesinam quam Hugo Dunt inde injuste & sine judicio fecit pfat Benjamino & Johanni Wroughton infra triginta annos &c. Et unde dicunt qd ipsimet sunt

runt seisiti de tenitis & communitis prout eum pertinet in dominico suo ut de feodo jure tempore pacis tempore Domini Regis nunc capiendo inde explees ad valenciam &c. Et in que &c. Et inde producit sectam &c.

Et pred Johes & Radus p Thom̃ hunt Att sud̃ ven̄ & defend̃ jus sud̃ quando &c. Et voc̃ inde ad warr̃ Johannem Lurwich Jun̄ & Coitham ux̃ ejus sunt in Com̃ pred̃ habeant eos hic in Octab Sci Martini p̃ tum Cur̃ &c. Idem dies dat̃ est partibus pred̃ hic &c.

Next your **Dedimus Potestatem** to receive the Warrant, for the Vouchee being returned, and the Mittimus thereupon made out, and the Recovery pass'd at the Bar, as is before in the Case observed; then you must make an End of your Mittimus, Transcript and whole Recovery either on the same Roll, beginning within an Inch if it will hold it, or begin on another to be joyn'd to it; and you must begin, as before, in small Court Hand to the end of the Caption of the Dedimus, as followeth.

The Form of entring the Mittimus and Transcript for the Vouchees.

DOminus Rex mandavit Justic̃ suis &c. Fauco hic breve suum de Mittimus clausum undecim̃ tenore cujusdam brevis ipsius Dñi Regis me Dedimus Potestatem &c. warrant Attorn̄ recipiend̃ & retorn̄ ejusd̃ Mecum warrant Attorn̄ inde recept̃ in hec verba Carolus Secundus Dei Gracia Angliæ

Scotiæ

Scocie Francie & Hibernie Rex Fidei Defensor &c. Justic suis de Banco salutem tenores &c. (And so recite the Mittimus *verbatim usq;*) Anno Regni nostri vicesimo tercio Hearrok Carolus secundus Dei Gratia Anglie Scocie Francie & Hibernie Rex Fidei Defensor &c. dilecto & fideli suo Thome Whitgrave Militi ac dilectis sibi Danieli Rayler &c. And so enter the Transcript *verbatim*, as you are directed, *viz.* in the small Hand, and then (leaving about a Thumbs-breadth distance) enter the Recovery in the exemplifying Hand, as you find it after, *pag.* 267. All this in small Hand.

But first observe the Forms of the Warrants of Attorny that were taken in this Recovery, which are not to be thus entred on the Roll, but only set here for the better understanding this President.

Warrant' Attorn' pro tenen'.

Staff. ss. PRecipe Johanni Lutwich seniot' generoso & Radio Hereton generoso quod juste &c. reddant Benjamino Thornbury Armig & Johanni Broughton generoso ter messuagia ter gardina viginti acras prati teraginta acras pasture eotam pasture omnibus averiis & eotam turbarie cum p' in Hayze Cholerton Erclehal Darleston & Dunneley que clamt &c.

Staff. ss. JOhannes Lutwich senior generosus & Radus Hereton generosus &c. To suo Thomam Hunt & Willm Wilde conjunctim

conjunctim & divisim versus Benjaminum Thoynebury Armm & Johannem Broughton generosum de placito terre &c.

Capt & cognit primo die Maii Anno Regni Regis Caroli Secundi xxiiii coram

A. L.
T. F.
C. H.

Warr' Attorn' pro voc'.

Staff. ss. PRecipe Johanni Lutwich de generoso & Radio Brereton generoso quod juste &c. reddant Benjamino Thoynbury Armm & Johanni Broughton quinquaginta messuagia quinquaginta gardina viginti acras terre viginti acras prati quinquaginta acras pasture & quinquaginta acras bosci cum pertin in Mayre Tholeton Eccleshall Darleston & Duneley que clamm &c.

Staff. ss. JOhannes Lutwich junior generosus & Editha uxor ejus quos Johannes Lutwich generosus & Radus Brereton generosus voc' ad war' p̄ Io. suo Rotulum Guy & P. C. conjunctim & divisim versus Benjaminum Thoynbury Armigerum & Johannem Broughton generosum de placito terre &c.

Capt & cognit &c. ut supra.

Staff.

Staff. ff. Benjaminus Thornbury Armig & Johannes Broughton generosus in propriis psonis suis petunt versus Johannem Lutwich seniorem generosum & Rosam Brereton generosum ser messuagia ser gardina viginti acras terr viginti acras prati seraginta acras pasture communiam pasture p omnibus averiis & communiam turbarie cum ptin in Mayre Choleton Ecclesiæ Darleston & Duncley ut jus & hereditatem suam. Et in que iidem Johannes & Rosa non habent ingressum nisi post disseisinam quam Hugo Hunt inde injuste & sine judicio ferit prefat Benjamino & Johanni Broughton infra triginta annos &c. *

Then Recovery to be entred in great exemplifying Hand.

* *Note*, Upon the 2d Count in this sort of Entry, you go no farther than *triginta annos* &c. and then on a new line you being the appearance of the Tenant continuing in great hand, as in this President.

Et pdicti Johes Lutwich & Rosa p Thomam Hunt Attorn suum ven & alias hoc die ad warr Johannem Lutwich juniorem generosum & Editham uxorem ejus qui modo hic sunt eis in Cort pdicto fact p Robertum Hup Attorn suum similiter ven. Et gratis tenta & communias pdict cum ptin eis war &c. Et super hoc pdicti Benjaminus & Johannes Broughton petunt versus ipsos Johannem Lutwich juniorem & Editham tenen) tent suam tenta & communias pdict cum ptin in forma pdicta &c. Et unde dicunt qd ipsi fuerunt seisiti de tenementis & communiis pdictis cum ptin in dominico suo ut de feodo & jure tempore pacis tempore Dñi Regis nunc capiendo inde explēs ad valenciam &c. Et in que &c. Et inde producunt sc.

Et

Et ꝓdicti Johannes Lutwich iunioꝛ & Edi-
tha teneñ ꝑ war suam vetend jus suum
quando ꝛc. Et ulterius boc inde ad war &
mutuum Cleut qui ꝓtens est hic in Cur
in ꝓpꝛia ꝑsona sua Et gracis tenta & com-
muntas ꝓfert cum ꝓtiñ eis war ꝛc. Et
ꝑ hoc ꝓdicti Benjaminus & Johannes
Bꝛoughton petunt versus ipsum Comunem
teneñ ꝑ war suam tenta & communias ꝛc.
dictas cum ꝓtiñ in forma ꝓdicta ꝛc. Et
dicunt qꝺ ipsimet fuerunt seisiti de tenta
communis ꝓdictis cum ꝓtiñ in dnico suo
de feodo & jure tempoꝛe pacis tempoꝛe
mini Regis nunc capiend inde exitꝰ ad
leuciam ꝛc. Et in que ꝛc. Et inde
fectam ꝛc.

Et ꝓdictus Comunbus tenens ꝑ
suam vetend jus suum quando ꝛc. Et
qꝺ ꝓdictus Hugo non dilexit ꝓfat Ben-
minum & Johannem Bꝛoughton de tenta
cõmunitis ꝓdictis cum ꝓtiñ put ꝓdictus Ben-
nus & Johannes Bꝛoughton ꝑ hic & na-
tionem sua ꝓdicta supius supꝓd Et de
ꝓd se loq patriam ꝛc.

Et ꝓdicti Benjaminus & Johes Bꝛough
petunt licenciam inde interloquendi Et
bent ꝛc. Et postea idem Benjaminus
Johannes teneñ hic in Cur istꝺ tenent
Termino in ꝓpꝛiis ꝑsonis suis Et ꝓdictus
Comunbus licet solempniter exact non
bend set in contempt Cur recessit & defalt
facit Ideꝰ cons est qꝺ ꝓdicti Benjaminus
& Johannes Bꝛoughton recuperent seisinam
suam versus ꝓfat Johannem Lutwich tenen

Radum de tenūtis & communis ꝑdictis cum ꝑtin. Et qꝫ idem Johannes & Radus habeant de terra ꝑdicti Johannis Lutwich [illegible] & Eviche ad valenciam &c. Et qꝫ idem Johannes & Editha habeant de terra ꝑdicti Edmundi ad valenciam &c. Et idem Edmundus in misericordia &c. * Et super hoc venit ꝑdicti Benjaminus & Johannes Brough per attorn. suum hic in Cur. petunt hic Dni Regis de habere facias eis & plenar seisinam de tenūtis & communis ꝑdictis cum ꝑtin. vic Com. ꝑdicti virisdem. Et eis conceditur recognicio hic in hac parte &c. Postea scilt vicesimo octavo die Novembris isto eodem Termino ven. hic in Cur. ꝑdicti Benjaminus & Johannes Brough per attorn. suum in propr. ꝑson. suis. Et vic. dixit Richardus Creswell Arm. modo mand. sibi qꝫ ipse virtute brevis ꝑdicti sibi direct. 25 die Nov. ult. ꝑdict. habere fac. ꝑdict. Ben. & Jo. B. plenar seisinam de tenūtis & communis ꝑdict. cum ꝑtin. ꝑout p. bre illud sibi preceptum fuit &c.

* Thus far in great Hand, and then on the same line write on in small Hand, *Et super hoc* to the very end.

This is the form of Entry, and Proceedings, when the Warrants both for Tenant, and Vouchee are taken by Dedimus; But if your Tenant appear'd in Person, or on a Warrant taken before a Judge, and the Vouchee upon a Summons by Warrant taken by Dedimus, then you make your Entry on the Plea Roll after this manner, *viz.*

First you begin in great exemplifying Hand thus,

Cornub'

Ret' 15 Paſch. Cornub' ff. A. B. in propria perſona ſua pet̃ verſus C. D. gen̄ unū meſuag̃ &c. to the end of the Count. Et inde produc' ſectam &c.

Et pofict C. p F. G. Attorn̄ ſuum ven̄ & defend̄ jus ſuum quando &c. Et voc' inde in warr' J. S. ſum̄ in Com̄ pofict habent' ad hic Tro Affenc' Domini per auxilium Cur &c. ibem dies dat' eſt partibus pofict hic &c.

Then you may on the ſame Roll within an Inch begin to enter the Mittimus and Tranſcript in a ſmall Hand thus,

D Dominus Rex & Domina Regina mand &c. as before to the end of the Capcon̄ coram nobis apud W. R. P. R. S.

Then within an Inch begin in great exemplifying Hand, and ſo continue to the end of your Recovery thus,

Sum' ret' Cro' Affen'. Cornub' ff. A. B. in propr' perſona ſua pet̃ verſus C. D. gen̄ unum meſuag̃ tuagium &c. as before to the words infra nominata annos &c. Then beginning a new Line, write,

Et pofict C. p F. G. Attorn̄ ſuum ven̄ & als voc' inde in warr' J. S. qui mand p ſum̄ eſt in Com̄ pofict fact p R. G. Attorn̄ ſuum ſcilicet ven̄ Et gratis tenta pofict cum pert̃ &c. Et ſup hoc pofict A. pet̃ verſ̃ ipſum J. S. tenend̄ pet warr' ſuam tenta pofict cum pert̃ in forma

pofict

pdict &c. Et unde dicunt (&c. as before to the end of the Count) Et inde p̄duc' &c.

Et pdict J. S. tenens p̄ warr' suam defend jus suum quando &c. Et ulterius voc' inde ad warr' [Johen Wheeler, or such other Vouchee as is next] and so go on in great Hand towards the end of the Recovery until these words Et *eidem Johes in mia &c. And then on the same line begin in small Hand Et sup hoc pdict A. pet' vic' Dñi Regis & Dñe Regine de habere faciend' et plenar' &c. (&c. as in others to the end, p̄out p̄ illud ibi p̄ceptum fuit &c.

This shall suffice to shew you the nature of the Proceedings and Entries when by Dedimus potestatem.

And as for the Exemplifications of these Recoveries, you must begin them thus,

* *Nota*, It is now *Et idem Johannis &c. Johan Wheeler* being the Common Vouchee.

Gulielmus &c. Maria Dei Gratia Angl' &c. Franc' & Hibnie Rex & Regina Fidei Defensor' &c. omnibus ad quos p̄sentes litere nre p̄venerint salutem Sciatis &c. qd' fut placita &c. irrotulata apud Westm' coram B. &c. p̄ q̄d' &c. locutis inter Justic' nros de Banco de Termino Anno Regni nri &c. Rotulo &c. contentur &c.

Setting forth the Term and Year, and number Roll.

Comun' &c. A. B. in p̄pr' p̄sona sua pet' vers' C. D. unum messuagium &c.

Quere of this.

as you find it intire on the last Entry taking no notice of the Mittimus and Tranſcript of the Dedimus. See before for the Form of an Exemplification, and the Instructions for the concluding thereof.

Pro-

Proceedings upon a Recovery with double Voucher, when the Tenant cometh in person, and prayeth Summons against the Vouchee, who appeareth by Warrant of Attorny taken before a Judge.

* Observe the Form of curing this Summons and Warrant of Attorny.

Where the Tenant cometh in person to the Bar, and voucheth, and the Vouchee is not present, there the appearance of the Tenant is recorded, and a Summons prayed and awarded against the Vouchee; and thereupon the Tenant may put in a Warrant of Attorny at the Bar to appear for him at the Return of the Summons; in which case the Writ of Entry is to be made and a note of it is to be taken (as in other Cases) into the Margin of the Remembrance in this manner: *viz.*

Devonsh' Placitor'

Petens in propria persona sua tenens in propria persona sua &c. B. unde sum' in Cur' prefat' retorn' Crastino Trin' Et super hoc predict' T. p. la. sua petit' &c. A. conjunctim & divisim petitis prefat' Tho. be precipe' placito.

Nota bene.

Note, That a Writ of Summons must be returnable the fifth Return next after the Return of the Writ of Entry, accounting the Return of the Writ of Entry for one of the five; and the

Return

Return of the Summons for another, and so the five Returns are inclusive.

Then must the Remembrance be delivered to a Serjeant at the Bar who will make the Demand, and count against the Tenant, and another Serjeant will be for the Tenant, and vouch and pray a Summons against the Vouchee.

Then an Entry must be made upon the Roll of the Demand and Count and Voucher, and Award of the Summons in this manner.

Devon' ss. THomas G. in propria persona sua pet versus Henr' W. unum Messuagium (ut antea) Et inde pouc cam &c.

Et previsus Henricus in propria persona sua ven & defend jus suum quando &c. Et hoc inde ad war' A. B. fum in Com poict habeat eum hic in Cto Trin per auxilium Cur &c. Idem dies dat est partibus pr' hic &c. Et super hoc poict Henr' po. lo. sua H. G. & A. B. conjunctim & divisim Gius plar' L. de poict plito &c.

A Transcript of this Entry must be made in Parchment, and then a Writ of Summons must be made against the Vouchee; the Form whereof I have before set down together with the Return.

Note, When a Recovery is to pass at the Bar, and the Tenant is ready at the Bar, and there voucheth to warranty *A.* for whom one is ready at the Bar by his Warrant of Attorny; this is void, for in such Case he ought

to appear in person, because without Summons; but where Summons issueth and is entred on the Roll there he may appear at the day in person or by Attorny at his choice.

1 Leon. c. 104.

Observanda.

The next thing is to prepare for the Appearance of the Vouchee at the Return of the Summons. The Vouchee may appear in person if he will; but the usual way is for him to come by his Attorny. The Warrant of Attorny may be acknowledged before the Lord Chief Justice of the Common Bench, or Justices of Assize in the County where the Land lieth, or before a Serjeant at Law, or before special Commissioners authorized by a Commission or Writ called a *Dedimus Potestatem*, as before is observed.

A Warrant of Attorny for the Vouchee taken before a Judge.

Devon' ff. Præcipe W. W. quod juste &c. L. L. unum Messuagium & tres Acr' tum pstd in C. quæ clamat &c.

Devon' ff. A. B. quem W. W. poc' ad hanc po. Io. suo J. N. & L. A. tot. juratum & pleniam veritat. L. G. de placito Terræ &c.

The Warrant being signed by the Vouchee and acknowledged, then the Judge subscribeth his Name, and then the Clerk of the Fine maketh the Transcript of it in Parchment, whereunto the Judge putteth his hand, and so the Clerk delivers it to the Party or his Attorny, after which you must file the Transcript of

of the Summons and the Writ together, and at the Return of the Writ deliver them to a Serjeant at the Bar, and so the Recovery passeth: The Entry of it is in this Form:

Entry of Summons for the Vouchee.

ALias mouit patet Termino Paſche vlt preterit Rotulo rt. continet ſit Memorand ſt. Thomas G. in propria perſona ſua pet versus Henric W. unum Meluagium (and so recite the Transcript) versus pretat Thomam de predict plito &c. Et modo hic ad hunc diem ſcilt dict Craſtin Trin ven tam dict Thomas quam dict H. p Henric G. Attorn ſuum Et dict A. ſum &c. per Johem M. Attorn ſuum ſcilt ven Et gratis (ut ante) Et inde dict ſect &c.

Et dict A. tenens per War ſuam defend jus ſuum quando &c. Et ulterius voc inde in War G. Humſton qui plens eſt hic in Cur in propria perſona ſua. Et gratis (ut ante &c.) to the end of the Return of the Writ of Seiſin.

In this caſe of a Recovery by Summons, the Writ of Seiſin muſt bear *Teſte* the fourth day next after the Writ of Summons, then ſign and ſeal your Writ of Summons and Seiſin, and file them, and file the Warrant of Attorny with the Clerk of the Warrants; the Writ of Entry muſt be filed in time.

Next prepare your Exemplification.

Proceedings in a Treble Voucher when neither the Tenant or either of the Vouchees come in Person but by Warrants taken before a Judge.

When the Recovery is to be with treble Voucher, and neither the Tenant nor Vouchee do intend to come in person to the Bar; Then they must put in Warrants of Attorny.

When the Warrants are to be taken before the Chief Justice or Justice of Assize? The Form of the Warrant is thus:

For the Tenant. Lincoln' ss. Præcipe Edro W. qd iuste &c. Willo G. verem placitum &c. in D. que clamat &c.

Lincoln' ss. Edrus W. po. lo. suo J. L. & J. A. conjunctim & divisim &c. ius W. G. de plito Terre &c.

For the first Vouchee. Lincoln' ss. J. D. quem E. W. vocat ad war' po. lo. suo J. S. & W. B. conjunctim & divisim versus W. G. de placito Terre &c.
Capt &c.

For the second Vouchee. Lincoln' ss. C. D. quem J. D. vocat ad war' po. lo. suo W. L. & J. E. conjunctim & divisim versus W. G. de plito Terre &c.

When the Warrants are thus taken, then sue forth the Writ of Entry and take it in the Remem-

Remembrance, with this Note in the Margent.

Petens in propria persona tenens p J. L. voc J. D. unde sum in Com pvict r Cro partiu. Observe that in this Case, the Writ of Entry was returnable, Tres Trin riv. Car. ij.

Then without drawing at the Bar, an Entry must be made of the Demand, Count, Voucher and award of Summons against the first Vouchee in this manner.

The first Summons Roll *Trin.* Term.

Lincoln' ss. W. G. in propria persona sua pet versus E. M. decem pelagis (ut ante reciting the Demand or Declaration to the end) Et inde pour' sect etc.

Appearance of Tenant and Award of Summons against the first Vouchee, returnable *Craſt. Mart.*

Et pvict E. p J. L. Attorn suum ven & defend jus [suum quando etc. Et hoc inde ad mar J. D. sum in Com previct habeant eid die in Cro Sci Mart p auriliu Cur etc. Quem dies dat est partibus pvict hic etc.

Note, That here the Tenant appeared by Attorny, but when he appears in person at the the Return of the Summons in person, then there must be a Warrant of Attorny for the Tenant entred upon the first Summons Roll, as you may see in the next President. See before for the Writ of Summons and see after *pag.* 281.

Then the Transcript must be made, and the Writ of Summons against *J. D.* and at the Return thereof, without taking any thing into the Remembrance, or doing any thing in the Court, another Entry must be made with the award

acknowledgment at the Bar, and

of Summons against the second Vouchee in this manner, upon the second Summons Roll; for you must due Entries make on Record of all your Proceedings as you go on.

The second Summons Roll *Mich.* Term.

ff. Alias pront patet Termino Scē Trin ultimo pterito Rotulo C. continetur sic Lincoln ff. W. G. in propria persona sua petit versus E. W. decem Pelvagia (and so take in the whole Record of Trinity Term) vad dies dat est partibus pdict hic &c. Et modo hic ad hunc diem scilicet predict Cras Sanct Martini ven tam predict W. in propria persona sua quam pdict E. per Attorn suu pdict. Et predict J. sum &c. per J. S. Attorn suum fecit ven & gratis Pelvag & Tenementa pdict cum ptin &c. Et sup hoc pdict W. G. pet versus ipsum J. D. tenen p war suam Pelvag & Tenementa pdict cum ptin in forma pdict &c. Et unde dic q ipse fuit seisit de Pelvag & Tenemtis pdict cum pertinen in dominico sue ut de feodo & jure tempore pacis tempore Domini Regis nunc capiend inde exples ad valentiam &c. Et in que &c. Et inde pronc sectam &c.

Appearrance of the first Vouchee and Count.

Et pdict J. D. tenen p war sua defend jus sum quando &c. Et ulterius voc inde ad war C. D. sum in Cam pd habeat cum hic a die Scī Hil in quindecim dies p auxilium Cur &c. Idem dies dat est pribus pdict hic &c.

Summons for the second Vouchee returnable *Quinden. Hill.*

Observanda. Then make a Transcript of this Entry and a Writ of Summons against C. D. the 2d Vouchee, Returnable *Quind. Hil.* See before for the Writ of Summons for the second Vouchee. This

This Writ must bear *Teste* the fourth day next after the Return of the former Writ of Summons against the first Vouchee, and must be returnable the fifth Return next after inclusive.

Then file the Transcript and this second Writ of Summons, (the former Writ of Summons, and Writ of Entry being filed with the *Custos Brevium*) with the Warrants of Attorny together, and at the Return of the Summons, deliver all to a Serjeant at the Bar, and so the Recovery passeth.

When all this is done, the Recovery must be entred thus, on a third Roll as of Hilary Term.

Alias mout. paret Termino Sancti Hilarii &c. preteriit Mouta &c. continuatur &c. Alias mout. paret Termino Sancte Trinitat. ultimo preterit. Mouta &c. continuatur &c. Tunc vouch. (and so take in the whole Record of the last Term.) Idem dies datus est partibus &c. nisi hic &c. Et modo hic ad hunc diem scilt. Dnicus &c. Sancti Hilarii hem tam Dnicus Cornelius in propria persona sua quam Dnicus Corus &c. Jones p Attorn. suos &c. Et Dnicus Cornelius simil &c. per Willum T. Attorn. suu similiter venit & gratis (ut ante.) Et inde nunc lectam &c.

Et Dnicus Cornelius tenens per war. suu defend. jus suum quando &c. Et ulterius hoc inde ad war. Edmund Client qui patens est hic in Cur. in propria persona sua. Et gratis Tenementa Dnicus ei war. &c. Et sic per hoc Dnicus W. G. venit versus ipsum

T 4 C. C.

* As you may observe by the next President

Second Vouchee appears and vouches over the Common Vouchee.

Demand against the Common Vouchee.

C. C. Tenend p war fuam Tenementa Poict cum pertin in forma prevista &c. Et unde dicit qd ipse fuit seisit de Tenementis Poict cum pertin in dominico ut de feodo & jure tempore pacis tempore Dni Regis nunc capiend inde explees ad valentiam &c. Et hoc &c. Et inde produc sectam &c.

Common Vouchee pleads to the Country.

Et Poict C. tenend p war fuam defend jus totum quando &c. Et dicit quod predict Hugo Dom non dimisit predict W. C. de Tenementis Poict cum pertin modo & forma prout idem W. C. p Breve de Recto inde sibi Poict superius supponit Et de hoc ponit se super patriam &c.

Demandant imparls.

Et Poict W. C. pet licentiam inde interloquendi Et habeat &c. Et postea idem W. C. revenit hic in Cur in propria persona sua Et Poict Curia istud tenementum quod

Common Vouchee makes default.

Judgment and Recovery to value.

Writ of Seisin awarded and returned.

* *Instant*, because not 15 days between the *Teste* and the end of the Term.

ill

tit sibi direct nono die Februarii ult preterit habere fac pretat Will. G. plenar seisinam de Tenementis pretit cum pertin put p Breve illud sibi preptum fuit &c.

Demandant comes into Court the last day of the Term, and the Sheriff returns that Seisin was delivered 3 days before.

Another Entry of a Recovery and Proceedings with treble Voucher upon Warrants taken before a Judge.

Ebor ff. THom. & H. P. Armig in propr personis suis per breve Dñi R. Armig & Will. B. Gen. Vanerium de R. cum pertin (&c.) Et in que tibem G. & Will. non habent ingressum nisi post dissesinam quam Hugo Hunt inde injuste & sine judicio fecit prat. W. Will. & R. infra triginta annos jam ult elaps &c. Et unde dic qd ipsimet inter seipsos de Manet & Tenementis pretit cum pertin in dominico suo ut de feodo & jure tempore pacis tempore Dñi Regis nunc capiend inde capies ad valentiam &c. Et in que &c. Et inde ponit sectam &c.

First Summons Roll of Mich. Term.

The Writ of Entry was returnable Quinden. Martini.

Et pretit G. & Will. in propriis plonis suis ven & defend jus suum quando &c. Et hoc inde ad war R. C. Mil habeant eam hic in Oct pur beate Marie Virginis Et inde in Cur pretit p auxilium Cur &c. Idem dies dat est partibus pretit hic &c. Et super hoc pretit G. & Will. po. lo. suis C. B. & C. G. Actorn suos conjunctim & divisim Ejus pfat W. & R. de pretit plito &c.

The Tenants appear this Term in person at Bar.

Vouchee.

Note, Although the Tenants appeared in Person at the acknowledgment at Bar; yet if they

they appeared not also at the Return of the Summons in Person there must be a Warrant of Attorny for the Tenants entred upon the first Summons Roll, as is afore observed. And also upon the Remembrance under the Precipe for the Writ of Entry of the same Recovery, you must enter a Warrant of Attorny for the Tenants thus,

Ebor' ff. G. B. Armiger & W. B. Gen' po. lo. suis C. D. & E. G. Attorn' suos conjunctim & divisim versus T. W. & R. M. Armig' de plita Terre. Greenwood.

At the Return of the Summons being Oct. Pur', as above, if the second Vouchee appear by Warrant of Attorny, you must make another Writ of Summons for the latter Vouchee returnable the fifth Return after the Return of the first Summons, and *Teste* of the Return of the first Summons, for one Writ will not serve for both. The Form of the Entry thereof upon the second Summons Roll followeth.

In the Interim file your Writ of Entry and first Summons with the *Custos Brevium*, and then you must prepare Warrants of Attorny for the Vouchees to be taken before a Judge after this manner.

For the first Vouchee.

Ebor' ff. A. C. Vidua nuper. G. B. Ar' & W. B. Gen' vocat ad war' po. lo. suis J. D. & P. B. Attorn' suos conjunctim & divisim suus T. W. & R. M. Armig' de plita Terre.

And

And for the second Vouchee,

Ebor ff. G. H. Gen quem A. C. Mil. hoc ad war. po. lo. suo I. D. & W. B. Arm. sibi suos conjunctim & divisim &c. T. M. & R. M. Ar de plito Terre, Capt & cognit tertiodecimo die Martii Anno Regni Regis Car Dei Angl &c. decimo septimo quum &c. T. T.

For the second.

Entry on the second Roll.

Assis. prout patet Termino Scti Michaelis Anno Regni Dni Regis nunc decimo octavo Rot. 1. continetur &c. Ebor ff. T. M. & R. M. in propriis personis suis petunt vlus G. H. Ar & W. B. Gen. Manerium de R. cum pertin ac decem Messuag. viginti Acr Terre cum pertin in R. ut jus & hereditat suam. Et in que idem G. & W. non habent ingres nis post disseisinam quam Hugo Hunt injuste & sine judicio fecit dict T. M. & R. M. infra triginta annos &c. Et unde dic quod ipsimet fuer seisit de Manerio & Tenementis pdict cum pertin in dominico suo ut de feodo & jure tempore pacis tempore Dni Regis nunc capiend inde exples ad valentiam &c. Et in que &c. Et inde produc sectam &c.

The second Summons Roll of *Hill.* Term reciting the Proceedings in *Mich.* Term on the first Summons Roll and awarding a Writ of Summons against the second Vouchee, returnable *Quoad Pasch.*

Et predict G. & W. in propriis personis suis ven & defend jus suum quando &c. Et voc inde ad war A. C. Mil habeant eam hic in

Octab

Octab Sancti Martini in Com' Pict' p auxilium Cur' &c. Idem dies dat est partibus Pict' hic &c. Et super hoc Pict' G. & W. commune loris suis C. B. & C. G. conjunctim & divisim versus Plat' T. W. & R. de Pict' plito &c. ¶ Et modo his ad hunc diem scilt Pict' Octab Sancti Martini ven' Pict' T. & R. in propriis personis suis quam G. & W. p C. B. Attorn' suis Pict' Et Pict' R. simil &c. per J. D. Attorn' suum ven' Et petit Manerium & Tenementa Pict' cum pert' &c. War' &c. Et super hoc Pict' T. W. & R. per verbum ipsam R. tenen' per war' suam Maneria & Tenementa Pict' cum pert' in forma Pict' &c. Et unde dic' quod ipse fuer' tenit' de Manerio & Tenentis pro tam pert' in dominico suo ut de feodo & jure tempore pacis tempore Domini Regis nunc tapiendo inde exitus ad valentiam &c. Et inde producit sectam &c.

¶ Here ends the Recital of the first Summons Roll of *Mich.*

Appearance of, and demand against the first Vouchee.

Et Pict' R. tenens p war' suam defendit jus suum quando &c. Et alterius voc' ad war' G. B. Qui venit eum hic & petit in quinq; septimanas Et simil in Com' Pict' p auxilium Cur' &c. Idem dies dat est tam Plat' T. & R. Et & W. quam Pict' R. hic &c.

Defence of the first Vouchee, and Summons for the second returnable *Quinq; Paſch.*

Make your Transcript of this Entry, and a Writ of Summons return in *Crastin' Pur'*, then file your Transcript and last Writ of Summons with the Warrants of Attorney together, and at the Return of this last Summons deliver them all to a Serjeant at the Bar, and so the Recovery passeth.

Then

Then make out a Writ of Seisin, and prepare for a third Entry of your whole Proceedings and Recovery on a Roll as of *Easter* Term, and begin it thus, *viz.*

Third Roll of *Easter* Term whereon is entred (by *Alias pront patet*) the whole Entry of *Hill.* Term. The appearance of the second Vouchee, and of the Common Vouchee, the Default, Judgment, Writ of Seisin and Return.

Alias pront patet Termino Sancti Hilarii Anno Regni Dni Regis nunc decimo octavo Rotlo 39. continetur sic Alias pnt patet Termino Sancti Mich. Ann Regni Dni Regis nunc decimo septimo Rot. 56. continetur sic Ebor. ff. L. WM. & R. Ap. in propriis personis suis pet versus G. R. Ar & WM. B. Cend Manerium de R. cum pertin ac decem Mesuagia ac viginti Act Terre cum pten in R. ut jus & hereditatem suam Et in que tidem G. & WM. non habent ingressum nisi post disseisinam quam Hugo Dunc inde injuste & sine Judicio fecit prefat L. WM. infra triginta annos &c. Et unde dic qd ipsimet fuer seisit de Manerio & Tenemtis pdict cum pertin in dominico suo ut de feodo & jure tempore pacis tempore Dni Regis nunc capiendo inde exples ad valentiam &c. Et in que &c. Et inde pro hac sectam &c.

Et predict G. & WM. in propriis personis suis ven & defend jus suum quando &c. Et voc inde ad war A. C. Mis habeant eam in Octab Pur beate Marie Virginis fund in Com pdict p auxilium Cur &c. Idem dies dat est partibus pdict hic &c. Et super hoc pdict G. & WM. ponunt in locis suis C. B. & E. G. conjunctim & divisim & ips pfat L. WM. & R. Ap. de pd pcto &c. Et modo

Warranty.

* Here ends the Recital of of *Hill.* Roll.

Warranty.

Demand against the 2d Vouchee.

mova hic ad hunc diem scilt predict Dñs Pur beate Marie Virginis ven tam pdict T. W. & R. P. in propr plonis suis quam pdict G. & W. p C. B. Attorn suum &c. pdict A. sum &c. p Attorn suum sil ven Et gratis Panerium & Tenemta pdict cum pti in forma pdict &c. Et sup hoc pdict T. W. & R. P. pet dius ipsum A. tenen p war suam Panerium & Tenemta pdict cum pti in forma pdict &c. Et unde dic quod ipse inter fuer scilt de Panerio & Tenementis pdictis cum pti in dominico suo ut de feodo & jure tempore pacis tempore Dñi Regis nunc capiend inde exitus &c. valenciam &c. Et in que &c. Et inde produc sectam &c.

Et pdict A. tenens p war sua defend &c. sum quando &c. Et ulterius hoc inde p war G. P. Gen habeat cum hic a die Pasch in quinq septimanis sum in Com pdict p auxilium Cur &c. Idem dies dat est tam pdict T. & R. G. & W. quam pdict A. &c. * Ad quam diem hic ven tam pdict T. W. & R. P. in propriis personis suis quam pdict G. & W. & pdict A. p Attorn suum pdict Et pdict G. H. mova sum &c. per J. S. Attorn suum sil ven Et gratis Panerio & Tenementa predict cum pertin et war &c. Et super hoc predict T. W. & R. P. pet versus ipsum G. tenen per war suam Panerio & Tenemta predict cum pti in forma pdict &c. Et unde dic qd ipsum fuer scilt de Panerio & Tenementis pdict cum pti in dominico suo ut de feodo & jure tempore pacis tempore Dñi Regis nunc ca-

pient

pleno inde exples ap valentiam &c. Et in que &c. Et inde proouc lectam &c.

Et previtus G. tenens per Wlar suam defend jus suum quando &c. Et ulterius voc inde ad Wlar Comundum Clenc qui hunc te presens est hic in Cur in propria plona sua & gratis Manerium & Tenementa poict cum pertiñ ei dar &c. Et super hoc poict T. W. & R. M. per Dius ipsum G. tenend p Wlar suam Manerium & Tenementa poict cum pertiñ in forma previsa &c. Et unde dic qd ipsemet fuer seisit de Manerio & Tenementis poict cum pertiñ in dominico suo ut de feodo & jure tempore pacis tempore Dni Regis nunc pleno inde exples ap valentiam &c. Et in que &c. Et inde proouc lectam &c.

Second Vouchee vouches over common Vouchee.

Warranty by and Demand against the common Vouchee.

Et previt Comundus tenens p Wlar sua defend jus suum quando &c. Et dic qd poict Hugo Hunt non dilleivit pfat T. W. & R. M. de Manerio & Tenementis poict cum pertiñ prout idem T. W. & R. M. p Breve & narrationem suam predic supius suppoñ Et de hoc pon se sup patriam &c.

Common Vouchee pleads to the Country.

Et previt T. W. & R. M. per licentiam inde interloquendi & habeant &c. Et postea iidem T. W. & R. M. revenñ hic in Cur in propriis plonis suis & poict Comundus licet ialempuner exact non revenit set in contempt Cur recessit & defalt fac Ideo consideratu est quod poict T. W. & R. M. recuperent seisinam suam ñus pfat G. & W. de Manerio & Tenementis poict cum pertiñ Et quod idem G. & W. habeant de Terra poict A. ap valentiam &c. Et qd eadem A. ulterius habeat

Demandants imparle.

Common Vouchee makes default.

Judgment and Recovery in value.

habeat de Terra præd' G. H. ad valentiam &c. Et quod præd' G. H. ulterius habeat de Terra præd' Commund ad valentiam &c. Et eadem Communitas in mia &c. Et ita hoc præd' T. W. & R. P. per Breve Dni Regis nunc Coram præd' virigend de habere faciend eis plenariam seisinam de Manerio & Tenementis præd' cum pertin' Et eis concedit retornabile hic instante Postea scilt quinto die Pasch isto eodem Termino venit hic in Cur præd' T. W. & R. P. in propria persona suis Et hic dixit T. L. quod multa quod ipse virtute Brevis illi sibi directi de tinia die Pasch ult præt' habere fecit præd' T. W. & R. P. plenariam seisinam de Manerio & Tenementis præd' cum pertin' prout per Breve illud sibi præceptum fuit &c.

Miſericordia.

Writ of Seiſin awarded returnable *indilate* becauſe not 15 days betwixt the *Teſte* and Return.

Next prepare for your Exemplification & others.

Note, Theſe Warrants in caſe of a free Voucher, may be taken by ſpecial Commiſſion, one for the Tenant, (if neceſſary,) and another for the Vouchees, and then Entries may be made according to the former Direction by Mittimus, &c.

The Form of a Recovery by Writ prout patet, with double Voucher, where the Tenant appears in perſon, and the Vouchee by Attorny.

Second Roll of Hil. Term.

HIll' 23 & 24 Car' ſecundi Regis Rot' 62. cum Wigley. Alias put' a Termino Sancti Michaelis ult' præt' Rot'

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Writ of Entry returnable *Quind. Mart.*

p 15 continetur ſic Noverit ſc. A. D. Ced in ppria ꝑſona ſua ꝓt dñus W. A. unū Meſuag̃ duo Gardina tres Acr Terr duas Acr Paſtur ꝯ Cotam Paſtur p ꝯ dñus Adiis ctd ꝓtid in Towceſter ut ius ꝑ hered ſuam Et in que dam W. non habet ingreſſum niſi poſt diſ ſeiſinam quam Hugo Hunt inde injuſte ꝑ ſine judicio ſecit ꝓfat A. infra triginta annos ꝛc. Et unde dic̃ quod ipſemet fuit ſeiſit de Tenementis ꝑ Communia predict cum ꝓtin in dominico ſuo ut de feodo ꝑ jure tempore pacis tempore Dñi Regis nunc capiend inde exiles ad valentiam ꝛc. Et in que ꝛc. Et inde ꝓduc ſectam ꝛc.

Summons returnable *Octab. Pur.* Warrant of Attorny for the Tenant.

Et predictus W. in propria ꝑſona ſua ven ꝑ defend jus ſuum quando ꝛc. Et dic̃ inde ad war F. A. Vicount Hurd in Com̃ predict habeat tam hic in Octabis Purificationis Bte Marie q̃ auxilium Cur ꝛc. Idem dies dat eſt partibus predictis hic ꝛc. Et ſuper hoc ꝓdictus W. po. iv. ſuo T. H. ꝑ R. G. Actorn ſuos conſtituit ꝑ vicinum verſus predict A. de placito ꝛc. Ad quem diem hic ven tam predict A. in propria ꝑſona ſua quam predict W. q̃ predict T. Actorn ſuum Et predict F. ſurd ꝛc. per A. G. Actorn ſuum dicit ven ꝑ gratis Tenementa ꝑ Communiam predict cum ꝓtin ut war ꝛc. Et ſup hoc ꝓdictus A. ꝓt dñus ipſius F. tenend q̃ war ſuam Tenementa ꝑ Communiam predict cum ꝓtin in forma predicta ꝛc. Et unde dic̃ quod ipſemet fuit ſeiſit de Tenementis ꝑ Communia predict cum pertinen in dominico ſuo ut de feodo ꝑ jure tempore pacis tempore Dñi

Regis nunc capiendo inde exples ad valentiã
&c. Et in qua &c. Et inde pduc tenam &c.

Et pdictus F. tenens p Wlar suam de-
fend jus suum quando &c. Et ulterius hoc
inde ad wat Communum Client qui similiter
ptens est hic in Cur in propria persona sua
& gratis Tenementa & Communiam pdict
cum ptin et wat &c. Et super hoc pdict A.
pet Blus ipsum Communum tenend p wat
suam Tenementa & Communiam pdict cum
ptin in forma pdict &c. Et unde hic ipsemet
fuit seisit de Tenementis & Communia pdict cum ptin in dominico suo ut
feodo & jure tempore pacis tempore Dñi
Regis nunc capiendo inde exples ad va-
lentiam &c. Et in que &c. Et inde prod
tectam &c.

Et pdictus Communus tenens p Wlar sua
defend jus suum quando &c. Et dicit quod p
dict Hugo non dilcisit pfat A. de Tene-
mentis & Communia pdict cum ptin pfat
dem A. p Breve & Narrationem suã pdict
superius suppond Et de hoc pond se sup pa-
triam &c.

Et pdictus A. pet licenciam inde interlo-
quendi Et habet &c. Et postea idem A.
revend hic in Cur isto eodem Termino in
propria psona sua Et pdictus Communus li-
cet solempniter exact non revend set in con-
temptum Cur recessit & default facit Ideo
consideratum est quod pdict A. recuper in-
finam suam Blus pfat W. de Tenementis &
Communia pdict cum ptin Et quod idem
W. habeat de Terra pdict F. ad valentiam
&c.

Common Vouchee.

Non dilcisit

Default by common Vouchee.

Judgment and Recovery in value.

&c. Et qd eadem F. ulterius habeat de terra ꝓdicti Comundi ad valenciam &c. Et idem Comundus in mitꝫ &c. Et sup hoc ꝓdictus A. petit breve Dñi Regis Vic' Com' ꝓdicti mandand' de habere faciend' ei plenar' seisinam de tenctis & communia ꝓdictis cum ꝓtin' Et ei conceditur retornabile hic a die Pasche in quindecim dies &c. Ad quem diem hic ven' ꝓdictus A. in ꝓpria ꝑsona sua Et vic' videlicet Wl. L. Miles modo manu qd ipse nichil habuit de ꝓdicti sibi directi duodecimo die Marcii nec unq̃ habere fecit ꝓfat' A. plenariam seisinam de tenctis & communia ꝓdictis cum ꝓtin' put p breve illud sibi ꝓceptum fuit &c.

Seisin retornable first return of *Easter* Term

Seisin delivered about the middle time.

Entry of Recovery by alias mout patet the same Term, with double Voucher by Summons.

ALias put patet isto eodē Termino Rot xlv continetur sic Civitas Coventr' ss. Franciscus Estwicke in ꝓpria ꝑsona sua petit versus Richardum Coplon sex messuagia duodecim gardina decem acras ꝓati septuaginta acras pasture & communiam pasture p omnibus averiis cum ꝓtin' in Stoke ut jus & hereditatem suam Et in que idem Richardus non habet ingressum nisi post disseisinam quam Hugo Hunt inde insuste & sine judicio fecit Plāt Francisco infra triginta annos &c. Et unde dic' qd ipsemet fuit seisitus de tenctis & communia ꝓdictis cum ꝓtin' in dominico suo ut de feodo & jure tempore

The Writ of Entry was returnable *Quinden' Pas.*

pacis tempore Dñi Regis nunc capiendo inde explet̃ ad valenciam &c. Et in que &c. Et inde plur̃ sectam &c.

The Summons *Cro. Afcens.* being the laſt return of *Eaſter* Term.

Et poſtea Ricus in pſona ſua ven̄ & defend̄ jus ſuum quando &c. Et hoc inde ad war̄ Jſaacum Oſtwicke ſurr̄ in Com̄ p̄dict̄ habeat eum hic in craſtino Aſcenſionis Dñi per auxilium Cur̄ &c. Eadem dies dat̄ eſt partibus p̄dictis hic &c. Et ſuper hoc Poſtea Ricus po.in.ſuo Thomam Wilonell & Johem Cook Attorn̄ ſuos conſtituit &c. Warrant of Attorny for Tenant.

Et poſtea Franciſcus Ricus per Poict Thomam Wilonell Attorn̄ ſuum Et poſtea Jſaacus ſurr̄ &c. per Henricum Greene Attorn̄ ſuum ſimiliter ven̄ & gratis tenementa & communiam Poict cum p̄tin̄ et war̄ &c. Et ſup hoc Poſtea Franciſcus petit verſus ipſum Jſaacum tenend̄ p̄ war̄ ſuam tenta & communiam Poict cum p̄tin̄ in forma p̄dicta &c. Et unde dicit ab ipſemet fuit ſeiſitus de tenta & communia Poict cum p̄tin̄ in dominico ſuo ut de feodo & jure tempore pacis tempore Dñi Regis nunc capiendo inde explet̃ ad valenciam &c. Et in que &c. Et inde p̄dict̄ ſectam &c.

Et poſtea Jſaacus tenens p̄ war̄ ſuam venit̃ ſus ſuit̃ quando &c. Et ulterius vocat inde ad war̄ Georgium Hamilton qui ſimiliter preſens eſt hic in Cur̄ in p̄ſona ſua & gratis tenementa & communiam Poict cum p̄tin̄ et war̄ &c. Et ſup hoc Poſtea Franciſcus pe-

Common Vouchee.

ite

cit versus ipsum Georgium teneñ per war suam tenta & communiam poict cum pertin in forma poicta &c. Et unde dicit qd ipse mes fuit seisitus de tenementis & communiis poict cum ptin in dominico suo ut de feodo & jure tempore pacis tempore Domini Regis nunc capiend inde exples ad valenciam &c. Et in que &c. Et inde producit sectam &c.

Et Poictus Georgius tenens p war suam petend sus suum quando &c. Et dicit qs predictus Hugo non disseisivit ipsū Franciscum de tentis & communia poictis cum ptin put idem Franciscus p breve & narrationem suā poicta superius suppoit Et de hoc poit se sup patriam &c.

Et Poictus Franciscus petit licenciam inde interloquendi Et habet &c. Et postea venit Franciscus reven hic in Cur' isto revem Termino in propria persona sua & predictus Georgius licet solempniter erat non revenit sed in contempt Curie recessit & defalt fecit Ideo cons est qd Poictus Franciscus recuperet seisinā suā versus ipsū Richardum de tenementis & communia poictis cum ptin Et qd idem Richardus habeat de terra poicti Isaaci ad valenciam &c. Et qd idem Isaacus habeat de terra poicti Georgii ad valenciam &c. Et idem Georgius in mia &c. Et sup hoc Poictus Franciscus petit hre Dñi Regis vic' Comd poicti dirigend de habere faciend ei plenariam seisinam de tentis & communia poictis cum ptin Et ei conceditur retornabile hic in octabis Sancte Trinitatis

Nota, The Summons was returnable so late in the Term, that the Writ of Seisin could not be returnable *finaliter*, for it was *Teste* the last day of the Term, which was the *Teste* day of *Cre. Ascens.* neither could it be returnable the first of *Trin.* Term, because not 15 days between the *Teste* day and Return.

uitatis &c. Ad quem diem hic venit dictus Franciscus in propria persona sua. Et hic videlic Johes Daniel & Thomas Geary modo mando ad ipsū dictum hēdis illius ubi dicat vicesimo die Maii ult preterit habere fec dict Francisco plenariam seisinam de tenīs & communia petitis cum ptin. put p hic inde ubi prepc fuit &c.

Exemplification of a Recovery, double Voucher, with great variety of Parcels.

Carolus Dei Gratia Anglie Scotie Francie & Hibernie Rex Fidei Defensor &c. Omnibus ad quos presentes Litere nostre pvenerint salutem. Sciatis qd inter placita terre irrotulata apud Westm. coram Thoma Richardson Milite & sociis suis Justic nostris de Banco de Termino Sancti Hillarii Anno Regni nostri vicesimo primo Rotulo cxxvi continetur sic. Alias pcept fuit de Termino Sancti Michaelis ult preter Rotulo lxxi continetur sic. Eller L. T. H. & A. M. in propriis pcona suis petunt versus C. D. generosum manerium de D. cum pti ac duo messuagia ducentas acras terre centum acras prati centum & quinquaginta acras pasture decem acras bosci communiam pasture liberam piscariam feod milit warr marritag escaet relevia cur & cur let & vis franci plegii cum pti in D. alis D. parva magna T. alias T. Major S. & F. Necnon tertoriam de D. alias T. parva cum pti

Writ of Entry was returnable *Quindēne Martini.*

Aceciam

Ac etiam omnes & omnimodas decimas oblationes & obventiones qualcunq; annuatim proventu crescen & renovan in parva D. Ac advocationem vicarie ecclesie de parva D. ut jus & hereditatem suam Et in que idem E. non habet ingressum nisi post dilleisinam quam Hugo Dunc inde injuste & sine judicio fecit Placis T. & A. infra triginta annos &c. Et unde dicunt qd ipsimet fuerunt seisiti de manerio tenementis communia libera piscaria feod milit ward maritag escaet reliefis cur cur let visu franci plegii rectoria decimis oblationibus & obventionibus predictis cum ptin in dominico suo ut de feodo & jure ac de advocatione predicta ut de feodo & jure tempore pacis tempore D'ni Regis nunc capiendo inde exples ad valenciam &c. Et in hoc &c. Et inde producunt sect &c. Et predictus E. in ppria psona sua venit & defendit jus suum quando, &c. Et vocat inde ad warrantizand R. Comit S. sum in Comitatu predicto habeat eum hic in Crastino Purificationis Beate Marie p auxilium Cur &c. Jdo dies datus est partibus predictis hic &c. Et super hoc predictus E. ponit loco suo W. W. Attorn suum versus platos T. & A. de predicto placito Et modo hic ad hunc diem venerunt tam predicti T. & A. in ppriis personis suis quam predictus E. p Attornatum suum predictum Et predictus Comes S. sum &c. p R. W. Attornatum suum similiter venit Et gratis manerium tenementa Communiam liberam piscariam feod milit ward maritag escaet relevia cur cur let visum franci

Summons returnable &c. *Pur'.*

Tenant puts in Warrant of Attorny.

franci plegii rectoziam decimas oblationes & obventiones poict cum pertin ac advocationem predictam ei war &c. Et super hoc dicit C. & A. petunt versus ipsum Comitem tenentem per warantiam suam manerium &c. tenementa communiam liberam piscariam feod militis ward maritag escaeta relevia cur cur let visum franci plegii rectoziam decimas oblationes & obventiones poict cum pertin ac advocationem predictam in forma predicta &c. Et unde dicunt qd ipsimet fuerunt seisiti de manerio tenementis communia libera piscaria feod militis ward maritag escaetis relevis cur cur let visu franci plegii rectoziam decimis oblationibus & obventionibus predict cum pertin in dominico suo ut de feodo & jure ac de advocatione predicta ut de feodo & jure tempore pacis tempore Domini Regis nunc capiendo inde exitus ad valentiam &c. Et qui &c. Et inde ponunt sectam &c. Et predictus Comes tenens p warr suam defendit jus suum quando &c. Et vocat inde ad warrantizand Edwardum Howle qui similiter pleno rit hic in Curia ppria ploua sua Et gratis manerium tenementum communiam liberam piscariam feod militis ward maritag escaeta relevia cur cur let vis franci plegii rectoziam decimas oblationes & obventiones poict cum pertin ac advocationem predictam ei war &c. Et super hoc dicit C. & A. petunt versus ipsum Edwardum tenentem p warrantiam suam manerium tenementa communiam liberam piscariam feod militis ward maritag escaeta relevia cur cur let vis franci plegii

The Common Vouchee.

plegii rectoriam decimas oblationes & obuen-
tiones ꝓtin cum ꝑtin ac aduocationem ꝑ-
sicam in forma ꝓdicta &c. Et unde dicunt
qꝫ tenuer fuerunt seisiti de manerio tene-
mentis communia libera piscaria feod milit
warꝺ maritag etcaet relevijs cur cur let
vilu franci plegii rectoria decimis oblationi-
bus & obuentionibus ꝓtin cum ꝑtin in do-
minico suo ut de feodo & jure ac de aduoca-
cione ꝓdicta ut de feodo & jure tempore pacis
tempore Domini Regis nunc capiendo inde
reddes ad valenciam &c. Et in qꝫ &c. Et
inde ꝓducunt sectam &c. Et ꝓdictus Ed-
wardus tenens p warrantiam suam ꝑtendit
os suꝰ quando &c. Et dicit qꝫ ꝓdictus Hugo
non disseisiuit ꝓdictos T. & A. de manerio tenti
communia libera piscaria feod milit warꝺ
maritagijs escaetis relevijs cur cur let
vilu franci plegii rectoria decimis oblatio-
nibus & obuentionibus ꝓtin cum ꝑtin ac de
aduocatione ꝓdicta ꝓout idem T. & A. per
breue & narrationem suam ꝓtin superius sup-
ponunt Et de hoc ponit se sup patriam &c.
Et ꝓdicti T. & A. petunt licenciam inde in-
terloquendi Et habent &c. Et postea idem
T. & A. redeꝫ hic in Cur ipso eodem Ter-
mino in ꝑsonis ꝑsonis suis Et ꝓdictus Ed-
wardus licet solempniter exactus non redeꝫ
set in contemptum Curie recessit & defaltam
fecit Ideꝫ consideratum est qꝫ ꝓdicti T. &
A. recuperent seisinam suam versus ꝓdictum
E. D. de manerio tenementis communia
libera piscaria feod milit warꝺ maritag et-
caet relevijs curie cur let vilu franci plegii
rectoria

rectoria decimis oblationibus & obventionibus Poicts cum ptin' ac de advocatione predicta Et qd idem E. habeat de terra Poicti Comitis ad valenciam &c. Et qd idem Comes ulterius habeat de terra Poicti Edwardi ad valenciam &c. Et idem Edwardus in mille sexcentis &c. Et super hoc Poicti L. & A. petunt hoc[?] Domini Regis Vicecomiti Comitatus Poict[?] dirigend[?] de habere facient ei plenariam seisinam de manerio tenementis communia libera piscaria feod[?] milit[?] bosc[?] maritag[?] eschaetis reliefis curie cur[?] let[?] franc[?] plegii rectoria decimis oblationibus & obventionibus Poicts cum ptin' ac de advocatione Poicts Et eis concedetur retorna[?] bit[?] inditate &c. Postea scilt[?] octabo Pur[?] Feb[?] ista eadem Termino venit hic in C[?] Poict[?] L. & A. in propria persona sua Et [?] habet L. & A. de A. Armig[?] modo mand[?] ipse virtute brevis Poicti sibi vicecomi nono [?] Feb[?] sic recepit habere fecit Poicts L. & [?] plenariam seisinam de manerio tentis comun[?] libera piscaria feod[?] milit[?] wardis maritag[?] eschaetis reliefis cur cur let[?] vilu franc[?] plegii rectoria decimis oblationibus & obventionib[?] Poict[?] cum ptin' ac de advocatione Poicts [?] hoc[?] breve illud sibi preceptum fuit &c. Que omn[?] & singula ad requisitionem Poict[?] L. & A. [?] noie plenarium durimus exemplificand[?] In cujus rei testimonium sigillum nostrum [?] hoc[?] breve in Banco Poicto sigillando deputat[?] p[?] sentibus apponi fecimus teste T. Richardo apud Westm[?] 12 die Feb[?] Anno Regni nostri vicesimo primo. Bromlowe.

Seisin returnable *indilate*.

Demandant comes into Court last day of Term and Sheriff returns that Seisin was delivered 3 days before.

The

The Form of a Recovery with double Voucher, where the Vouchees appear upon Summons.

Alias put patet Termino Sancti Michis uit preterit Rotulo 211. continetur sic Villa nouæ Castri sup Tynam ſ. Thomas Steele & Rolandus Birkley in propriis personis suis petunt versus Robertum Park & Margaretam uxorem ejus unum Messuagium cum ptin in Villa nouæ Castri sup Tynam ut jus & hereditatem suam. Et in que ipsam Robertus non habet ingressum nisi post dissesinam quam Hugo Hunt inde injuste & sine judicio fecit Patris Thome & Rolando infra triginta annos &c. Et unde dicunt qd ipsimet fuerunt seisiti de fer messuagio Pcicto cum ptin in dominico suo ut de feodo & jure tempore pacis tempore Dñi Regis nunc capiendo inde exitus ad valentiam &c. Et in que &c. Et inde proueunt sectam &c. Et Petrus Robertus in propria persona sua venit & defendit jus suum quando &c. Et vocat inde ad warr Michaelem Durham & Agatham uxorem ejus & Robertum Steele & Abigailam uxorem ejus sum in Curia Petro habeat eos hic in Octabis Sancti Hillarii p Auxilium Cur &c. Idem dies datus est ptibus Pcictis hic &c. Et sup hoc Petrus Robertus Park ponit loco suo Thomam Wilmel & Thomam Hunt Attornatos suos conjunctim & divisim versus Pfat Thomam Steel & Rolandum de Pcicto pLito &c. Ad quem diem hic

The 2d Summons Roll. The Writ of Entry was returnable *Cr. Animarum.*

Summons returnable *Oct. ab. Hill.*

Warrant of Attorny for Tenant.

hic ven tam ꝓdicti Thomas Steel & Rolandus in ꝓpriis ꝑsonis suis quam ꝓdictus Robertus Park p ꝓfatum Thomam Milonet Attorn suum Et ꝓdicti Michael & Martha & Robertus Steel & Abigail sunt &c. p Randolphum Allen Attorn suum similiter ven Et gratis fec mefuagia ꝓdicta cum ꝑtin ei &c. Et sup hoc ꝓdicti Thomas Steel & Rolandus petunt vers ipsos Michaelem & Marcham & Robertum Steel & Abigailam tenentes per war suam fec mefuagia ꝓdicta cum ꝑtin in forma ꝓdicta &c. Et unde dicunt qd ipsimet fuerunt seisiti de fec mefuagiis ꝓdictis cum ꝑtin in dominico suo ut de feodo & jure tempore pacis tempore Dñi Regis nunc capiendo inde explēs ad valenciam &c. Et in que &c. Et inde ꝓdc sectam &c.

Et ꝓdicti Michael & Martha & Robt Steel & Abigail tenentes p war suam defendunt jus suum quando &c. Et ulterius vocant inde ad war Comundum Cleut qui similiter ꝑsonaliter hic in Cur in ꝓpria ꝑsona sua Et gratis fec mefuagia ꝓdicta cum ꝑtin eis war &c. Et sup hoc ꝓdicti Thomas Steel & Rolandus petunt vers ipsum Comundum tenentem per war suam fec mefuagia ꝓdicta cum ꝑtin in forma ꝓdicta &c. Et unde dicunt qd ipsimet fuerunt seisiti de fec mefuagiis ꝓdictis cum ꝑtin in dominico suo ut de feodo & jure tempore pacis tempore Dñi Regis nunc capiendo inde explēs ad valenciam &c. Et in que &c. Et inde ꝓdc sectam &c.

Et ꝓdictus Comundus tenens p war suam defendit jus suum quando &c. Et dicit qd ꝓdictus

Common Vouchee.

pictus Hugo non dilleisivit Platos Thomam Steel & Rolandum de sex mesuagiis pdictis cum ptin̄ put idem Thomas & Rolandus p breve & narracionem sua pdicta supius supponunt Et de hoc ponit se sup patriam &c. Et pdicti Thomas Steel & Rolandus petunt licenciam inde inloquendi Et habent &c. Et postea idem Thomas & Rolandus revenī hic in Cur̄ isto eodem termino in ppriis personis suis Et pdict Edmundus licet solempnit eract non revenī set in contempt Cur̄ remanet Et defalt facit Ideo cons̄ est qō pdicti Thomas Steel & Rolandus recuperent seisinam suam versus pdict Robertum Park de sex mesuagiis pdict cum ptin̄ Et qō idem Robertus habeat de tra pdictorum Michaelis & Martha & Roberti Steel & Abigaile ad valenciam &c. Et qō idem Michael & Martha Robertus & Abigail ultius habeant de tra pdicti Edmundi ad valenciam &c. Et idem Edmundus in mia &c. Et sup hoc pdict Thomas Steel & Rolandus petunt breve Dni Regis vic̄ ville pdicte dirigend̄ de hac̄ facien̄ eis plenariam seisinam de sex mesuagiis pdictis cum ptin̄ Et eis concedit̄ retornabile hic in Octabis Purificacōnis Beate Marie &c. Postea scilt duodecimo die Febr̄uarii isto eodem termino ven̄ hic in Cur̄ predicti Thomas Steel & Rolandus in propriis personis suis Et vic̄ videlt Robertus Jennison modo mand̄ qō ipse virtute brevis pdicti sibi directi scīo die Febr̄uarii ult̄ pterit̄ habere fecit pdict Thome Steel & Rolando plenariam seisinam de sex mesuagiis pdict

Seisin retornable last return of *Hill.* Term.

Demandants come into Court last day of the Term, and Sheriff returns that Seisin was delivered 9 days before.

Polet cum ptin̄ put p̄ brev̄ illud ibi p̄ceptum fuit &c.

The Form of a Recovery with double Vouchers of some intire Parcels, and of a Moiety of other Parcels passed at Bar.

Writ of Entry was returnable *Quind' Martini* because so late that Seisin was awarded next Term.

Ebor' ss. Jacobus Creswick & Edrus Creswick in p̄p̄ris plonis suis p̄ tunc vers̄us Antonium Ellis duo messuag duo gardina duas acras t̄re duas acras p̄ti & duas acras pasture cum ptin̄ in Sheffield Necnon medietatem unius messuagii duor̄ gardinor̄ viginti acrarum t̄re triginta acrarum p̄ti viginti acrarum pasture & quinq; ginta acrarum sampnor̄um & bruere cum ptin̄ in Sheffield Ecclehal & Hallam ut p & hereditatem suam Et in que eidem Antonius non habet ingressum nisi post dilleiu quam Hugo Hunt inde injuste & sine judic fecit p̄fatis Jacobo & Edwardo infra triginta Annos &c. Et unde dicunt q̄ ipsimet fuerunt seisiti de tenementis & medietate p̄d cum ptin̄ in dominico suo ut de feodo & jure tempore pacis tempore Dñi Regis nunc capiendo inde exples̄ ad valenciam &c. Et inde que &c. Et inde p̄duc' sectam &c.

Tenant appears at Bar and vouches over.

Et p̄dictus Antonius in p̄p̄ria persona sua venit & defendit jus suum quando &c. Et vocat inde ad war Georgium Petty qui p̄sens est hic in Cur in p̄p̄ria persona sua Et gratis tenementa & medietatem p̄d cum pertinen̄ eis war &c. Et super

Vouchee appears at Bar and enters into Warranty.

hoc

hoc prędictus Antonius petit versus ipsum Georgium tenentem per war' suam tenementa & medietatem pdict cum pertinen' in forma pdicta &c. Et unde dicunt qđ ipsimet fuerunt seisiti de tenementis & medietate pdictis cum pertinen' in dominico suo ut de feodo & jure tempore pacis tempore Domini Regis nunc capiendo inde explees ad valenciam &c. Et in que &c. Et inde pduc' sectam &c.

Et pdictus Georgius tenens per war' suam defendit jus suum quando &c. Et ulterius vocat inde ad war' Edmundum Clent qui similiter ꝑsens est hic in Cur in propria persona sua Et gratis tenementa & medietatem pdict cum pertin' ut war' &c. Et super hoc pdictus Georgius petit versus ipsum Edmundum tenentem p war' suam tenementa & medietatem pdict cum ptin' in forma pdicta &c. Et unde dicunt qđ ipsimet fuerunt seisiti de tenementis & medietate pdictis cum ptin' in dominico suo ut de feodo & jure tempore pacis tempore Dñi Regis nunc capiendo inde explees ad valenciam &c. Et in que &c. Et inde pduc' sectam &c.

Calls over the Common Vouchee.

Et prędictus Edmundus tenens per war' suam defendit jus suum quando &c. Et dicit qđ prędictus Hugo non disseisivit ꝑfatos Jacobum & Edwardum de tenementis & medietate pdictis cum pertin' prout iidem Jacobus & Edwardus per breve & narrationem suam pdicta supius supponunt Et de hoc ponit se sup patriam &c.

Non disseisivit

Et

Imparlance and default by Common Vouchee.

Et ꝓdicti Jacobus & Eorus petunt licen-
tiam finire inde loquendi Et habent &c. Et postea
iidem Jacobus & Edwardus revend hic in Cur
ilio eidem Termino in ꝓpria ꝑsona sua
Et ꝓdictus Edmundus licet solempnit exact
non revenit set in contempt Curie recessit &
defaltam fecit Ideo cons̄ est quod ꝓdicti
Jacobus & Edwardus recuperent seisinam
suam versus ꝓfat Antonium de tenementis
& medietate ꝓdictis cum ꝑtin Et quod idem
Antonius habeat de ꝛra ꝓdicti Georgii ad ex-
ienciam &c. Et quod idem Georgius habeat
habeat de ꝛra ꝓdicti Edmundi ad valenciam
&c. Et idem Edmundus in mia &c. Et
hac ꝓdicti Jacobus & Edwardus petunt
Dñi Regis hic Coñ ꝓdicti dirigend
here faciend de plenariam seisinam de
mentis & medietate ꝓdictis cum ꝑtin Et
conceditur retornabile hic in Octabis
Hilarii &c. Ad quem diem hic ven ꝓdicti
Jacobus & Edwardus in ꝓpria ꝑsona sua
Et hic videlicet P. P. Armiger modo
quod ipse virtute brevis ꝓdicti sibi
mo die Decembris nil ꝑcipit habere
ꝓfat Jacobo & Edwardo plenariam seisinam
de tenementis & medietate ꝓdictis cum
pertinen ꝓout per breve illud sibi ꝓcept
fuit &c.

Judgment and Recovery in value.

Seisin returnable the first return of *Hill* Term.

The

The Form of a Recovery, where the Tenant appears by Attorny, and vouches several persons, for several Lands in several Towns; who appear by Summons.

Banc. [illegible] J. P. in propria persona sua petit versus R. R. tria mesuagia tria gardina quinquaginta acras terre quadraginta acras prati & seraginta acras marisci cum pertin in S. & G. ut jus & hereditatem suum Et in que ipsum R. non habet ingressum nisi post dissesinam quam Hugo Bune inde injuste & sine judicio fecit dat. J. infra triginta annos &c. Et unde dic quod ipsemet fuit seisitus de Tenementis &c. cum pertin ut de dominico suo ut de feodo & jure tempore pacis tempore Dni Regis nunc capiendo inde exples ad valentiam &c. Et in que &c. Et inde producit sectam &c.

The Writ of Entry was returnable *Trin. Mich.*

Et postea L. per C. R. Attorn. suum venit & defendit jus suum quando &c. Et quoad duo mesuagia duo gardina triginta acras terre viginti acras prati & quadraginta acras marisci in S. &c. dict de Tenementis &c. superius petit parcel vocat inde ad war. C. W. Et quoad unum mesuagium unum gardinum viginti acras terre viginti acras prati & viginti acras marisci de Tenementis &c. cum pertin superius petit ressit idem R. vocat inde ad war C. W. & B. uxorem ejus respective sum in Com dict habeat eos hic in Octabis Sancti Martini p auxilium Cur &c. Jam dies dat est partibus dict hic &c. Et

Tenant appears by Attorny and vouches over.

Summons returnable *Octab. Mart.* same Term.

Tenant appears in person at the Return of the Summons.

Vouchees appear by several Attorneys.

One vouches one parcel.

The other vouches the other parcels.

modo hic ad hunc diem scilt ad quod dict Dns Rex Parcinū venit tam quid J. in propria persona sua quam quid L. p Attornat suum p-dictum.

Et quidem C. sumd &c. per J. W. Attornat suum Et quidam C. & B. sumd &c. per H. G. Attornat suum dicunt tenent tenementa vell. Et quid C. gratis Tenementa quid cum pertin in S. quod de Tenementis quid cum pertin superius petit versus ipsos C. & B. unde ipse superius vocauit ad warr eius L. qui warr. non venit. Et quia J. per ipsius ipsum C. venit & warr suam eadem Tenementa cum pertin in S. quid in forma quid &c. Et unde dicit ipsemet fuit seisitus de eisdem Tenementis cum gard in S. quid in dominico suo ut de feodo & jure tempore pacis tempore Dñi Regis nunc capiendo inde explet ad valentiam &c. Et in que &c. Et inde quid petit sectam &c.

Et quidam C. & B. gratis Tenementa quid cum pertin in S. quid de Tenementis quid cum pertin superius petit eadem unde ipse superius vocauit ad warr eius L. qui warr. Et super hoc quid J. petit versus ipsos C. & B. Tenementa per unam suam eadem Tenementa cum pertin in S. quid in forma predicta. Et quidem dicit quod ipsemet fuit seisitus de eisdem Tenementis cum gard in S. quid in dominico suo ut de feodo & jure tempore pacis tempore Dñi Regis nunc capiendo inde explet ad valentiam &c. Et in que &c. Et inde quid petit sectam &c.

Et

Et predictus G. tenens p̄ war̄ suam de eisdem Tenementis cum pert̄ in S. dicit de Tenementis dict̄ cum pert̄ superius petit parcel inde ipse superius vocabatur ad war̄ defendit jus suum quando &c. Et ulterius dicit inde ad war̄ Comundum Clem qui nihil habet in Cur in propria persona sua Et petit versus ipsum Comunpum tenend p̄ war̄ suam eadem Tenementa cum pert̄ in S. dict in forma dict &c. Et inde dicit quod ipsemet fuit seisitus de eisdem Tenementis cum pert̄ in S. dict in dominico suo ut de feodo & jure tempore pacis tempore Dñi Regis nunc capiendo inde exitus ad valentiam &c. Et in hoc &c. Et hoc paratus est verum &c.

One Vouchee calls over the Common Vouchee for one parcel.

Et dict C. & D. tenent p̄ war̄ suam de eisdem Tenementis cum pert̄ in S. dict de Tenementis dict̄ cum pert̄ superius petit eadē inde ipse superius vocabatur ad war̄ tenend jus suum quando &c. Et ulterius dicit inde similiter ad war̄ dict Comundum qui similiter presens est hic in Cur in propria persona sua Et gratis eadem Tenementa cū pert̄ in S. dicta et war̄ &c. Et sup hoc dict J. petit versus ipsum Com̄ tenend per war̄ suam eadem Tenementa cum pert̄ in S. dict in forma dict &c. Et inde dicit quod ipsemet fuit seisitus de eisdē Tenementis cum pert̄ in S. predicta in dominico suo ut de feodo & jure tempore pacis tempore Dñi Regis nunc capiendo inde exitus

The other Vouchee calls over the Common Vouchee for the other parcel.

ples ad valenciam &c. Et in que &c. Et inde protulit sectam &c.

Common Vouchee pleads *Non dissaisivit* as to the whole.

Et predictus Comunnus tenens per war' suam de Tenementis predict integris cum p'tinen defend jus suum quando &c. Et dicit q̄d predictus Hugo non disseisivit predict J. me etiam de Tenementis cum p'tin que eum J. per Breve n. Mandatum sua predicta superius supponit. Et de hoc ponit se super Patriam &c.

Demandant Imparls and Common Vouchee makes default. Judgment and Recovery in value.

Et predictus J. petit licenciam inde interloquendi Et habet &c. Et postea idem J. venit hic in Cur' tūc eodem Termino in propria p'sona sua Et predictus Comunnus licet solempniter exact non venit nec illi cui tenet cum Curie recollit se defalt fecit Ideo consideratum est quod predict J. recuperet seisinam suam d'ict' pl'a L. de Tenementis predictis integris cum p'tin Et quod idem L. habeat de Terra predict C. ad valenciam Tenementorum predict cum p'tin in B. predict superius d'ict' eum ut tenent per war' suam petit Et q̄d idem C. inde ulterius habeant de Terra predict Edmundi ad valenciam &c. Et quod idem J. habeat de Terra predict C. & B. ad valenciam Tenementorum predict cum p'tin in C. & superius versus eos ut tenentes inde per warr' suam petit Et q̄d idem C. B. inde ulterius habeant de Terra predict Edmundi ad valenciam &c. Et idem Edmundus in mia &c. Et cum hoc predict J. petit Breve Dñi Regis Mic Com' predict dirigend de habere facien ei plenar' seisinam de Tenementis predictis integris cum p'tin Et ei conceditur returnabile hic

Seisin returnable *indilate.*

indilate

indilate &c. Postea scilt vicesimo octavo die Novembris isto eodem Termino venit hic in Cur predict J. in propria psona sua Et dic't vidct dict. I. Miles modo manu quod ipse virtute Brevis predict sibi direct vicesimo quinto die Novembris ult pterit habere fec't plat J. plenar seisinam de Tenementis pred dictis integris cum ptin put p Breve illud sibi pcept fuit &c.

Demandant comes into Court last day of the Term, and Seisin delivered three days before.

The Forms of the Writs of *Mittimus* and *Dedimus*.

DOminus Rex mandavit Justic suis de Banco hic Breve suum de Mittimus clausum unacum tenore cujusdam Brevis de Dedimus Potestatem de Mar Attorn recis venc & retorn ejusdem Mecnon Mar Attorn inde recept in hec verba Carolus secundus Dei gratia Anglie Scocie Francie & Hibernie Rex Fidei Defens &c. Justic suis de Banco salutem Tenores cujusdam Brevis de Dedimus Potestatem dilecto & fideli suo E. M. Militi ac dilectis sibi A. H. Armig N. B. Armig R. D. Armig & J. G. Gen quatuor tribus vel duobus eorum direct de & pro receptione Attornati vel Attornatorum conjunctim vel divisim quem vel quos R. M. Generosus & M. uxor ejus & T. R. Generosus & M. uxor ejus pro se loeis suis coram predict E. A. N. R. & J. eis quatuor tribus vel duobus eor ponere aut constituere voluerint Vobis E. E. Gen & T. S. Gen Juratis vel pronis in placito terre super

breve nostro de ingressu super disseisinam in le post ceram vobis penden inter Petr E. & M. querentes & R. E. filere Theologie Professorem de manerio de C. cum pertin ac de sex mesuagijs decem toftis duobus columbar decem gardinis quadraginta acris bosci duobus milibus actarum sampnozum & bruere viginti sex soze decem libras reddit & communia pasture p omnibus averijs cum pertin in Charleby Carleby Wilstropp Barneby-row Bonthozp Ozerstozp Hollywel Wetham-Castle Bytham little Bytham & Amby alias Ombp ac libera piscario in aqua de Carleby Necnon advocatione Ecclesie de Carleby in Com Lincolii Mut quidem R. E. notavit Petr R. p. p. uxozem ejus & E. E. & p. uxozem ejus ad Warr et manuplum inclusagia reddit p retera pmissa pertinen Ac retozno ejusdem brevis as warr in ea parte recept in Cancellariam nostram missa ac in ejusdem Cancellarie nostre rotulis irrotulatum vobis mittimus p̃tentibus interclusis mandantes quod inspectis tenozibus pdictis ulterius ad p̃secutionem p̃dict E. & M. E. fieri fac quod de Jure & secundum Legem & Cons Regni nostri Anglie fuerit faciend Teste meipso apud Westm vicesimo quarto die Maii Anno Reg nri quartodecimo.

Carolus Secundus Dei grā Angl Scot Francie & Hibnie Rex Fidei Defens &c. Dilecto & fideli suo E. H. Militi ac dilectis sibi A. H. Armig N. B. Armig R. D. Armig & J. G. Gen salutem Cum breve nostrum de ingressu super disseisinam in le Post penden

coram

coram Justic' nostris de Banco inter G. W. Gent & T. de Gent petent & R. W. sacre Theologie Professorem de manerio de Carleby cum pertin' Ac de sex mesuagijs decem toftis duabus columbar' decem gardinis quinquaginta acris terre decem acris prati centum acris pasture quinquaginta acris bosci ducentis missibus reddit' sampsonum & bigginti acris more decem libat' vendit & communia pasture pro omnibus averijs cum pertin' in Carleby Milstrop Barkeborow Bowthorp Gracton Pollitwel Marham Castle Bytham little Bytham & Amby alias Omby ac libera piscaria in aqua de Carleby Mich' non Advocatione Ecclesie de Carleby in Com' Lincoln' Ac plect' R. in plena Cur' nostra coram Justic' nostris plect' comparens vocavit R. W. Gent & W. uxorem ejus & T. R. Gent & W. uxorem ejus ad warantizand' ei manerium & cetera premissa plect' cum pertin' Super quo emanavit breve nostrum de fin' ad war' Vic' Com' plect' direct' versus eosdem R. W. T. & W. retornabile coram Justic' nris plect' apud Westm' in Crastino Sancte Trinitatis pro' futur' Et quia plect' R. W. W. T. & W. adeo impotentes existunt quod absq; maxima corpor' suor' periculo nisi Westm' coram Justic' nostris plect' ad diem in dicto brevi nostro de fin' ad war' content' laborare non sustinuerunt ut accepimus Nos Fatis eorundem R. W. W. T. & W. compatientes in hac parte Mandamus vobis quatenor eidem vel duobus vestrum plenam & pleniorem auctoritatem recipiendi Attornatum vel Attornatos

Eius quem vel quos itidem R. H. Sp. M. & H. ad warr' vocand' no[n] intrand' vel perven' in placitis Pleito coram Justic' nostris Pleit' loc[is] suis coram vobis quamuor tribus vel duobus vestrum ponere aut constituere voluerint recipien' Nolig' inde in Cancellariam vram de nomine Justic[ar]ior Attorn[ati] vel Attornator[um] debies certificand' Et quod vobis quatuor tribus vel duobus vestrum mandamus quod ad Placita R. H. H. T. & M. personaliter accedentes & continue ad hoc quatuor tres vel duos vestrum laborari non sufficiunt Attornatumque suum vel Attornatos[q] suos recipiatis Et cum Attornatum illum vel Attornatos illos sic ceperitis Nos inde in Cancellariam nostrā sub sigillis vestris quatuor trium vel duorum vestrum distincte & aperte sine dilatione reddatis certiorem hoc breve Nobis remittentes Teste meipso apud Westm' quinto die Maii Anno Regni nostri quarto decimo.

H. Smith p Dñum Cancellar' Angl' ad instand' petent'

Retorn' inde.

R. H. Gent & M. uxor ejus T. R. Gent & H. uxor ejus M. T. facre Theologie Professor' pro suis vic. T. & R. vic. conjunctim & divisim filius C. B. Gent & T. S. ad intrand' vel perven' in placita terre parten Nobis vice capt' & cognit' apud C. in Com' S. vlt' die Maii Anno Regni Regis Caroli Secundi decimo quarto coram nobis H. B.

& J.

J. G. virtute brevis de Mandimus Potestatem presentibus annex'.

N. B.
J. G.

The Charge of a Recovery with single Voucher, where the Tenant appears at Bar.

	l.	s.	d.
FOR drawing the Precipe —	0	2	6
For taking it into the Remembrance —	0	1	0
To the Cursitor for the Writ of Entry	0	2	6
New Imposition for the Seal	0	0	6
The King's Fine rated by the Commissioners — According to the value of the Lands			
New Imposition — According to the Rate.			
To the Receiver —	0	0	6
For Doctors Hand for entring and endorsing in Term time —	0	1	2
For drawing it at the Bar to three Serjeants —	0	10	0
To the Box —	0	0	6
Common Vouchee —	0	0	4
To the Attorny General for signing the Writ of Entry —	0	10	0
The Secondary in Court receives —	0	2	6
Return of the Writ of Entry —	0	2	0
Drawing the Count and Judgment	0	2	6
For Exemplifying it and Parchment —	0	7	6

To

	l.	s.	d.
To the Prothonotary for the Entry thereof	0	10	0
For sealing thereof	0	2	2
Imposition	0	7	6
For the Writ of Seisin and Return	0	4	0
For the Seal thereof and Imposition	0	1	1
For filing the Writs of Entry and Seisin with the *Custos Brevium* and Common Voucher	0	2	4
Attorny's Fee	0	6	8
But if your Recovery be with double Voucher, the Prothonotary will have of you for the Entry thereof	0	14	6
And for every treble Voucher	0	18	6
To the Clerk for every Voucher more	0	2	0

The Charge of a Recovery by Summons, Warrant of Attorny and Dedimus.

FOR drawing the Precipe and Warrant of Attorny	0	3	4
Dedimus Poteſtatem	1	4	2
Curſitor for the Tranſcription of the Return and Impoſition	0	11	0
The making of the Writ of Summons	0	2	0
Sealing thereof with the Impoſition	0	1	1
Entry of the Summons for the Prothonotary	0	4	6
If with a Warrant of Attorny then	0	6	6

	l.	s.	d.
To the Clerk for drawing and ingrossing the Summons	0	2	6
To the Clerk for the entring the Summons with *Mittimus* and *Dedimus* on the Roll	0	5	4
For making and filing every Warrant of Attorny	0	1	4
For Return of the Writ of Summons	0	2	6
For filing thereof	0	1	0

Charges extraordinary, if the Recovery be under the Great-Seal of England.

FOR the *Cercierari*	0	13	4
For the Allowance thereof	1	9	6
For the Clerk for his pains	0	6	8
For the Exemplification, every Skin	1	6	8
And to the King for the first Skin for Imposition	2	0	0
For every other Skin for Imposition	1	0	0
For the Seal	1	0	6

Entry of a Recovery with Adjornments of the Term.

A Tias præmunire fac. (reciting the Demand) Tenant appears Et hoc vouchet ad warr. &c. Et Prædictus Gerard Saunt in Curia præ-

This Entry was made (before the Statutes 16 & 17 *Car.* 22.) when there were nine Returns between the Writs, and when the Returns of *Octab. Mich.* and *Quindz. Mich.* were good.

beat

beat eum hic in Octab Sancti Mich Et sund in Com Pinck per auxilium Cur &c. Idem dies dat est partibus Pinck &c. Ad quem diem loquela Pinck adjorn fuit p Breve Domini Regis de Communi Adjornamento hic scilicet apud Westm in Com Midd usq a die Sti Mich in unum mensem tunc pror' lequen ad quem diem loquela Pinck ulterius adjornata fuit per aliud Breve dicti Domini Regis de Communi Adjornamento a Westm usq Will dict Dni Regis de Reading in Comitat Berks in Cro Animar tunc pror' lequen Et modo hic scilt apud Pinck Willam dict Dni Regis de Reading ad hunc diem scilicet ad Crastinum Animar ven tam Pinck Y. in propria persona sua quam Pinck G. per Attornatum suum Pinck Et Pinck S. modo sund &c. p R. G. Attornat suum dict ven Et gratis Tenenta Pinck cum ptin eis war' &c. Et super hoc Pinck Y. per verbus ipsum S. tenen p war suam Tenenta Pinck cum pertin in forma Pinck &c. Et unde dicit qd ipsemet fuit seisit (&c.) Et inde pdnc sectam &c.

Et Pinck S. tenen per war suam defend jus suum quando &c. Et ulterius voc inde ad war P. W. habeat eum hic a die Pasch in quindecim dies Et sund in Com Pinck per auxilium Cur &c. Idem dies dat est tam pfat J. e U. quam pfat S. hic &c. Ad quem diem loquela Pinck ulterius adjornata fuit per aliud Breve dicti Domini Regis de Communi Adjornamento a Pinck Willa dicti Dni Regis de Reading in Comitat Berks

usq

usqz ad Mestrm in Com̃ Pivò usqz ad eandem Quindem Pasch &c.

Al' forma. Brevis de summ' vers le deux Vouchees.

S. Sum̃ per bonos sum̃ A. D. qõ &c. dec̃ Martini ad war̃ Vic̃ S. quem I. D. alias hoc ad war̃ & qui ei war̃ unum Messuagium &c. cum pertiñ in D. que I. B. & W. D. in Cur̃ nostra coram &c. Clam̃ ut jus sum̃ versus pfat̃ A. teneñ inde p̃ war̃ suam per breve nostrum de ingressu super dilectum in le Post Et unde idem W. in eadem Cur̃ nr̃a hoc pfat̃ A. Sum̃ in Com̃ tuo ad war̃ versus eos Et habeas tibi sum̃ Et hoc breve Teste &c.

Original ubi Vic' est tenens.

S. Coroñ suis in Com̃ Lincolñ salutem Precipe I. A. Mil̃ & E. D. Cler̃ Antmar̃ uñ mens̃ &c. Unta pdict̃ T. modo est Vic' Com̃ pdict̃ Jõ fac̃ execuc̃ istius brevis per pdict̃ Coroñ &c. Ita quod pdict̃ Vic' tum̃ execuc̃ inde le aliqualiter non intromittat. Original to the Coroners.

Trin. 14 Eliz. Rot. 88.

Domina Regina mand̃ Justic̃ hre de ingressu in le Post pro Communi Recuperatione in Triñ quinto Edri quarti Rot. 386. Nemes non vidi Pl. Filmer.

Al'

Af forma intrandi Breve de Mittimus.

Trin. 14 Eliz. Rot 90.

Domina Regina mandavit Justic suis de Banco breve suum Clausum in hec verba (so recite the Mittimus) Teste meipsa apud Westm. decimo die April. Anno Regni sui decimo quarto Coram Dominis unde in breve fuit sic mandatum sequuntur in hec verba (so recite the Dedimus Potestatem and the execution of it as you find.

Mich. 19 Car Rot 56.

Henricus Gold *versus* Thomas Thyme.

Writ of Seisin to the Coro-

Et super hoc fuit Henricus dicit qd fuit T. Vic Cond fuit modo erisit Et ea ratione petit breve Domine Regine de habere faciend ei plenariam seisinam de Tenemento fuit cum pertin Cestr Cond fuit dict gent Et quia per inspeccionem tam brevis originalis in placito fuit imperrat q recognabit q recoignat hec a die Sancti Michaelis in unum mensem isto eodem Termino quam aliozum brevium Cond pendet ad eundem mensem Sancti Michaelis in Banco hic recoznat q assisa fuit capta allegato fuit Henric competere et vera et concedebat recoznabile hic inchoat etc.

Nota.

Le brief de seisin fait fait ove cest parole en le fine fi. Quia fuit T. modo est Vic etc.

&c. (pur tu fine originat) mes Mayle trove cur boys car le brief de ſeiſin poit entre tanp les parols.

Unus Tenend eſt Vic' le bre de ſeiſin agard Coron.

Et ſuper hoc dict A. & E. dic quod dict Simile. H. unus Tenend dict Vic' Coron dict mo do eſtis & ea de cauſa pet hebe Wit Regis de habere hic ets plenar ſeiſinam de Tenementis dict cum pertin Coron Coron dict vicigend Et quia p inſpecon tam brevis originalis q̃m dict dict retornabil & retornat fuit in Cro Sancti Martini illo eodem Termino quam aliorum brevium Coron dict ad eundem Craſtin Sancti Martini in Banco dict die retornat & emanat & retornabil coram nobis Regis dict comperia eid vera ets concedi tur retornabile hic inſtante &c. Postea ſcil. vicesimo octavo die Novembr' illo eodem Termino ven hic in Cur dict A. & E. in propriis perſonis ſuis Et Coron dicebat H. S. & H. B. modo mandat &c. Mich 33 & 34 Eliz. Rot 63.

Le Vouchee eſt Vic' le breve de ſumd directe al Coron.

In cujus rei teſtimonium Tenend conceſſit & hoc fuit ad inde Coron Coron dict Coron Curiæ fuit in Coron dict p auxilium Curiæ &c. Et ſuper hoc dicem A. & E. dic quod dict Coron eſt vic' Coron dict & ea de cauſa

Nota. Writ of Summons to the Coroners.

* Les parols.

cauſa pet̃ breve Dñe Regine de ſumo ad warr
Coron Com̃ pdict̃ dirigend̃ Et quia factū
conſtat Cur hic p retorn̄ brevis Com̃ pdict̃
hic in Cur̃ reſpond̃ qđ allegatio pdict̃ vera
eſſe ꝓcept̃ eſt Coron Com̃ pdict̃ qđ ſumm
per bonos ſumm pdict̃ Comitem qđ ſit hic a
die Sancti Martini in quindecim dies ad war
to ſozma pdict̃ &c. Item dies dat̃ eſt partib⁹
ſuis pdict̃ hic &c.

Vide ſimilem intratam Paſch 3 Henr
octavi Rot 325. & Mich 3 Henr octavi rec
peratam inde.

Le Vouchee eſt Vic̃ uncore les bꝛe de ſum̃ &
ſeiſin retorn per luy

Nota. Devon ff. ROupe verſus Sable Tenens
p ſum̃ compuet̃ & poſt G. &
Mic̃ & le ſum̃ fuit retorn̄ p le vouchee eſtre
ent̃ Mic̃ & auri le ſeiſin p luy Mich 15. Jac̃
Rot 43.

Bꝛe de ſeiſin retorn̄ ſervie p le vieux Vic̃

London ff. SEiſina retorn̄ Octabis Martini
Ad quem diem hic ven̄ pdict̃
T. in propꝛia perſona ſua Et Mic̃ vicelicet
R. S. & G. C. modo mand̃ bꝛe pdict̃ eis p
J. L. & H. W. nuper Mic̃ London in com̃
critibus ab officio ſuo Mic̃ London deliber
p eoſdem nuper Mic̃ erectū in ſozma ſequen
vide & qđ nuper Mic̃ octavo ſeptimo die Ju
nii ult̃ preterit̃ habere fecer̄ pdict̃ T. plenar̄
ſeiſinam de Tenementis pdict̃ cum ꝓtin̄ per

per bꝛe illꝛ eis ꝓcept fuit ꝛc. Trin 15 Jac Rot 81. lieure de entries fol. 617.

Sum continue per Vic non mis bre.

Northumbꝛ ſ. J. H. petit verſus W. W. quas tuoꝛ Meſuagia ꝛc.

Et ꝓdict W. in ꝓpꝛia ꝑſona ſua ꝛc. voc R. W. habeat eum hic in Craſtin Animarū ꝛ ſum ꝛc. Et ſuper hoc ꝓdict W. po. lo. ſuo E. H. ꝛc. de ꝓdict placito ꝛc. Ad quem diem hic ven tam ꝓdict J. in ꝓpꝛia perſona ſua quam ꝓdict W. per ꝓdict E. H. Attoꝛnat ſuum Et Vic nichil inde fec nec bꝛeve illꝛ miſ Jdeo ꝓdict R. ſicut ꝓius fuit q̄ ſit hic in Octab Scī Hillarii. Idem dies dat eſt partibus ꝓdict hic ꝛc. Trin 14 Car Rot 49. Paſch 33 Eliz. Rot 16. Paſch 1 Jac Rot 56.

L'un des vouches morust sur que le tenant revouch lauter.

Hillar 3 Car Rot 58. Miſſus T. ꝺꝰ H. L. ꝛc. qui voc P. B. & J. D. Craſtin Trin ſunt ꝛc. Idem dies dat eſt partibus ꝓdict hic ꝛc. Ad quem diem hic ven tam ꝓdict W. in ꝓpꝛia perſona ſua quam ꝓdict P. p̄ B. H. Attoꝛnat ſuū Et Vic nichil inde fec nec bꝛeve inde miſ Et ſuper hoc idem W. dic q̄ poſt ultimam continuac̄on̄ ꝓdict ſcīlt poſt Octab Sanct Hillarii ult ꝑ exit de quo vic loquela ꝓdict ult continuat fuit hic uſq; ad hunc diem ſcīlt decimū diē

Aprilis Anno Regni Domini Regis nunc quarto Doick P. apud T. Doick obiit prebend J. ipsum supervixit super quo Doick M. revoc inde ad war Doick Jō fuit in Cond Doick habeat eum hic in Crastino Animarum per auxilium Cur &c. Idem dies dat est partibus Doick hic &c.

Un des Vouchees fait Chivalier.

Mich 13 Jac Rot 1. Alias prout patet &c. Et voc inde ad war A. & B. Ar fuit &c. Ad quas quidem Dieb Sancti Mark ven hic ad Doick per quam Doick tenent in propria persona sua Et Doick A. & B. (qui quidem B. post ult continuacon plit Doick ordinem militar super se suscepit & modo miles existit) fuit &c. p J. M. Atorn suum dit ven Et gratis &c.

Irrotulatio & Exemplificatio Brevis de Ingressu & Seisina &c. secundum Statut de Anno 23 Eliz. cap. 3.

Ll. Elizabetha &c. Omnibus ad quos Littere nostre pervenerint salutem Sciat quod A. B. in Cur nostra coram &c. implacitavit C. D. de uno Messuagio cum pertinen in M. per Breve nostrum de ingressu super disseisinam in le Post, cujus quidem brevis tenorem sequitur in hec verba Ll.

ñ. Eliz. &c. (Et sic recit hꝛe de Ingressu ver-batim cum retorñ inde & tunc) plita apud Westm coꝛam J. Dyer Mit & sociis suis Justic Dñe Regine de Banco de Trin Pasch Anno Regni Eliz. Dei grā &c. tercio Rotulo 100. Devon ñ. A. Br (& tunc hꝛ in Mot cum hꝛe de loiñm & retorñ inde & tunc mak Attorñ &c) Attorñ recept coꝛam J. D. Mit & sociis suis Justic Dñe Regine de Banco de Termino Pasch Anno Regni Eliz. &c. tercio A. B. pot in suo G. H. versus C. D. de plit terre (& tunc mak def.) Due omnia & singula &c.

And so recite the Writs of Entry, &c. *verbatim* with the Return thereof &c.

Aliter.

Another Form thereof.

Carolus &c. Salutem scias qꝛ inter irrotulamta brevium & alioꝛ dependen & continuandis recuperationibus apud Westm recumben Joannam Ratliff de Termino Sti Mich Anno Regni nostri decimo quinto & decimo tercio Rot 1. continet hꝛ verba R. Carolus &c. (Sic recite le dits de Entry le Cestuis nosme & tout tenoꝛ sinement que ceo trauers) Due omnia & singula ad requisitionem pdict H. G. (le dit) tenore plenius duximus exemplificand In cujus rei Testimonium sigillum nostrum ad brevia in Banco pdict sigillat decernat Plenitus apponi fecimus Teste Tho. Tyrril Dard Brown & Johe Archer Justic dñis de Banco apud Westm 18 die Januar Anno Regni nostri decimo quinto.

Reciting the Writs of Entry and Seisin and their Returns, *Que omnia*, &c.

Tyrril, Brown, Archer.

Various Forms of Demands.

ſ. Petit unum meſuagium duas acras ter quatuor acras prati ſex acr paſture & communiam paſture p omnibus averiis cum ptin in D. Et unde dic qd ipſemet fuit ſeiſit de tenementis & communia ꝓdict cum ptin in dominico ſuo ut de feodo & jure tempore pacis &c.

ſ. Petit unum meſuagium duas acras ter quatuor acras prati ſex acr paſture decem ſolidat redd & communiam paſture p omnibus averiis cum ptin in D. &c. Et unde dic qd ipſemet fuit ſeiſit de tenementis redd & communia ꝓdict cum ptin in dominico ſuo ut de feodo & jure tempore &c.

ſ. Petit unum meſuagium duas acras ter quatuor acras prati ſex acr paſture octo ſolidat quinquaginta acr ſampnorum & bruer quadraginta acras moſe ſeptuaginta acr ſalicarie decem acr marliſci decem acr alneti decem acr rubcarie quinq; acr ſue aque continent decem ſolidat redd communiam paſture p omnibus averiis dic franc plen liberd warrennam liberam piſcariam libertatem falcandi Acetiam nundinas & mercat theoloneum ſtallagium & picagium catalla felonum fugitivorum utlagat & in exigend poſit devand catalla wadiat & extrahur cum ptin in A. B. & C. necnon redoziias de B. & C. cum ptin ac omnes ac omnimod decimas eiſdem redoziis ſpectand & ptinen acetiam advocacion eccleſiarum de D. & C. ac advocaciones vicarie eccleſie

eccleſie de F. ut ſus &c. Et unde dic' qd ipſe-met fuit ſeiſit de reñtis reddit communia vic' franc' pleg' libera warenna libera piſcaria libertate ſalvagii nundinis mercat' theolonio ſtallagio & picagio catallis felonum fugitivorum utlagat' & in exigend' poſſ' vendand' catallis waviat' errrahur' rectoriis & decimis poſſ' cum ptin' in dominico ſuo ut de feod' & jure ac de advocacionibus poſſ' ut de feodo & jure tempore pacis &c.

Quando &c. Et gratis teñta reddit communiam vic' franc' pleg' & liberam warenna liberam piſcariam libertatem ſalvagii nundinas mercat' theolonium ſtallagium & picagium catalla felonum fugitivorum utlagat' & in exigend' poſſ' vendand' catall' waviat' errahur' rectorias & decimas poſſ' cum ptin' ac advocationes poſſ' ei war' &c. Et ſuper hoc &c.

Hill. 1 Jac. Rot. 84.

Devon' ſſ. PEt Hundrund de A. cum ptin' Ac maneria de A. & C. necnon cuſtod' Gaole Com' poſſ' cum ptin' Ac-ciam centum meſuagia &c. bolci jampnorum & bruere reddit vic' franc' pleg' cum ptin' in A. & B. ac advocation' eccleſie de B. ut ſus &c. Et unde dic' qd ipſimet fuer' ſeiſit de Hundredo Pañtis cuſtod' Gaole teñtis reddit & vic' franc' pleg' poſſ' cum ptin' in dominico ſuo ut de feod' & jure & de advocatione poſſ' ut de feod' & jure &c.

Hill. 1 Jac. Rot. 26.

ſi. Pet̃ manerium meſuag̃ & tenementa in B. necnon nundinas mercat & dic̃ franc̃ pleg̃ cum pt̃in in Y. &c.

Hill. 1 Jac. Rot. 21.

ſi. Pet̃ ſcitum nup̃ monaſterii fratrũ mi-norum cum pt̃in ac unum meſuag̃ cum pt̃in in B. Et unde dic̃ q̃ ipſemet fuit ſeiſit de ſcitu & tenementis p̃dict̃ cum pt̃in.

Hill. 1 Jac. Rot. 22.

ſi. Pet̃ reddit̃ & libertat̃ ſalvagii & curſus pviũ cum pt̃in.

Mich. 2 Jac. Rot. 63 & 69.

ſi. Pet̃ unum meſuagium &c. & commu-niam paſtur̃ p̃ omnibus averiis ac duas pas quadragint̃ acr̃ boſci in trigint̃ & tres pas dividend̃ cum pt̃in in A. &c.

Mich. 2 Jac. Rot. 187.

ſi. Pet̃ dua paſſagia ultra aquam Wh. ac medietat̃ manerii &c. fuit ſeiſit̃ de paſſag̃ & medietat̃ p̃dict̃ cum pt̃in tanquam dominico ſuo ac de feodo & jure &c.

Mich. 2 Jac. Rot. 185, 186. Mich. 2 Jac. Rot. 72.

ſſ. Per libertat quatuor ſalvagiorum cum ptin in C. &c.

ſſ. Per reddit & libertat quatuor ſalvagiorum cum ptin in C. &c.

ſſ. Per decimas portiones pentiones oblationa obventiones profica & emolumenta quecunq; rector de B. ptin necnon quandam portionem decimarum in B. acciam advocacionem vicarie Paſch. 1 Jac. Rot. 60 & 62.

Paſch. 8. Jac. Rot. 163.

ſſ. Fuit ſeiſit de manerio tenementis libera piſcaria reddit redcoria decimis wardis maritag reliefis eſcaet catallis fugitivorum felonum de ſe & in erigend poſt utlagatorum attinct & waviat cum ptin in dominico ſuo ut de feod & jure ac de advocacion pdict ut de feod & jure &c.

Paſch. 8 Jac. Rot. 163.

ſſ. Per maneria tenementa & reddit in A. (except un meſuag duobus gardin &c. in A. ut jus &c. fuit ſeiſit de maniis tentis & reddit pdict cum ptin (except precept.)

Paſch. 16 Car. Rot. 59.

Lincoln ſſ. E. A. per verſus J. S. unum meſuagium & triginta acras tre cum per-

tiñ in M. & C. ac medietatem septem partium manerii de M. cum ptiñ in octo ptes dividend necnon medietat septem partium advocacoñ eccliæ de M. in octo partes dividend ut sup &c. unde dic̃ qd ipsemet fuit seisit de tenementis & medietate ptic̃ septem partium manerii ptic̃ cum ptiñ in dominico suo ut de feodo & jure ac de ptic̃ medietat ptic̃ septem partium advocacion ptic̃ ut de feodo & jure &c.

Quarto &c. Et gratis tenta & medietat ptic̃ septem partiñ manerii prædicti cum ptiñ ac ptic̃ medietat septem partium Advocacion ptic̃ ei war &c.

Mich. 43 & 44 Eliz. Rot. 43.

M. Per Castrum & Burgum de C. cum ptiñ ac Hundred & Manium de C. & W. cum ptiñ necnon triginta mesuag duo columbar triginta gardiñ mille acr tre ducent acras boisci quingent acr jampnorum & huere quingent acr maresci fruct ser libratæ reddit vic franc pleg & nundinas & mercat cum ptiñ in C. & W. aceriam liberam piscariam in aquis de A. C. & W. que claim &c. Et unde dic̃ qd ipsemet fuit seisit de Castro Burgo hundred manerio tentis reddit vic franc pleg mercat & libera piscaria cum ptiñ in dominico suo ut de feod & jure &c.

M. Per manerium de B. cum pertiñ ac tria mesuagia unum molendinum unū Columbar ser gardina centum acr tre viginti acr prati quadraginta acr pastur cum ptiñ in

B. &

B. & C. Et unde dic qd ipsemet fuit seisit de manerio & teñtis Poick cum ptin in dominico ut de feodo & jure tempore &c.

II. Pek unum mesuagium cum ptin in N. &c. Et unde dic qd ipsemet fuit seisit de mesuagio Poick cum ptin in dominico suo ut de feod & jure tempore &c.

II. Pek duo mesuagia cum ptin &c. seisit de teñtis Poick cum ptin.

Mich. 15 Car. 2. Rot. 46.

Milites II. Pek Hundredum de W. cum pertin ac maneria de D. & S. cum pertin necnon parcum de L. cum pertin aceciam quadraginta mesuagia mille acras tre cum ptin in D. &c. ac rectoria de S. cum ptin necnon omnes & oñion decimas annuatim crescen provenien seu renovand in N. S. & N. Aceciam advocationes de C. & D. ut jus &c. Et unde dic qd ipsemet fuit seisit de hundredo manerio parco teñtis & rectoria Poick cum ptin ac decimis Poick in dominico suo ut de feodo & jure necnon de advocation Poick ut de feodo & jure tempore pacis &c. Quando &c. Et gratis hundredum manerium parcu teñta & rectoriam Poick cum ptin ac decimas & advocationes Poick ei war &c.

Pek unam acram terre cum pertin &c. Et unde &c. seisit de Poick una acr tre cum ptin &c.

Pek duas acras terre cum pertin &c. Et unde seisit de tenementis predict cum pertin &c.

Hill.

Hill. 6 Jac. Rot. 61.

Ff. Recuperatio de annuo reddit' prenñ de maneriis &c.

Mich. 3 H. 8. Rot. 113.

Mn Common Recovery sur Wzeve de Dis screit.

Hill. 5 Eliz. Rot. 10.

Notanda. Wr Gentrie vers un viscount ferr' istint nosme & nenry Seignioz, en le Case de Seignioz Wontague.

Wr mroit lieu & Coun ou acc' ferr' pozt p Writor pr' qd reddat poit ẽ prise si le tn est en Mill ou Hamlet ou lieu conus hozs de Mill & Hamlet.

Wes p Wople All. gist en Hamlet ou lieu conus car ill recovera p vieu de Jurozs istint in dower car la el viz. la demandant ne dire en certe istint in tresp̃as Wes prescript qd reddat gist dun mannoz sans mention ou le mannoz & si le mannoz soit hozs de Mill & Hamlet.

Leas pur vie Cestuy en reñcon doet suffer Common Recovery mes ne poet pur ceo que le Lesse ad le franktenement eyzo la voy ceo est le Lessee surrendza en reversion & donqz ill' poit suffer Recovery Wes pur le assurance del tenant que il na sa pmise per son surr' le use & pur luy de faire le surr' sur

See the Form of the Surrender at the end of this Book.

coñ

rond que ſi celuy en reverſion ne paya al Leſſee un grand ſume dargent al un jour le ſuer ſerr void.

W. P. 99.

Upon view of the Deed that did lead the Uſes of a Recovery, in which the Town where the Lands lay was rightly named (*Sutton*) the Writ of Entry was amended where it was written *Sulton*.

Paſch. 39 Eliz. Rot 28. Common Recovery d'un Advowſon ſur Breve de Droit d'Advowſon.

Bucks ſſ. Willus Palmer in ppria perſona ſua pet verſus M. D. Clicum advocationem Eccleſie de H. quam ei injuſte deforc ꝛc. Et unde dic qd ipſemet fuit ſeiſit de advocation pdict ut de feodo & jure tempore pacis tempore Dñe Regine nunc (Et ſic inde ſeiſit exiſtens ad Eccleſiam illam vacan pſentavit quendam Ricum R. Clericum ſuum qui ad pſentationem ipſius Will. P. fuit admiſſus & inſtituc in eadem tempore pacis tempore Dñe Regine nunc qui quidem R. R. cepit inde explēs ut in groſſis decimis minutis decimis oblationibus & obvencionibus ad valenciam ꝛc. ut in jure Eccleſie ſue pdict Et qd tale ſit jus ſuum offert ꝛc. Et pdict M. in ppria pſona ſua ven & defend jus pdict quand P. & ſeiſinam ſuam quando ꝛc. Et contd

ꝛc.

ꝛc. Et quicquid ꝛc. maxime de advocatione ꝑoict ut de feodo ⁊ jure ꝛc. Et hoc inde ad war A. A. ged qui ꝓlens eſt hic in Cur in ꝓpꝛia perſona ſua Et gratis hic in Cur advocationem ꝑoict ei war ꝛc. Et ſuper hoc ꝑoict W. pet verſus ꝑoict A. A. tenend per war ſuam advocationem ꝑoict in fozma ꝑoict ꝛc. Et unde dic qꝫ ipſemet fuit ſeiſit de advocatione ꝑoict ut de feodo ⁊ jure tempoꝛe pacis tempoꝛe Dñe Regine nunc Et ſic inde ſeiſit exiſtend ad Eccleſiam illam vacand ꝓſentavit ꝑoict R. R. Clicum ſuum qui ad ꝓſentationem ipſius W. Y. fuit admiſſus ⁊ inſtitut in eadem tempoꝛe pacis tempoꝛe Dñe Regine nunc qui quidem R. R. tenit inde exꝑleꝫ ut in groſſis decimis minuris decimis oblationibus ⁊ obventionibus ad valenciam ꝛc. ut in jure Eccleſie ſue ꝑoict Et qꝫ tale ſit jus ſuum offert ꝛc. Et ꝑoict A. A. tenend p war ſuam defend jus ꝑoict W. ⁊ ſeiſinam ſuam quando ꝛc. Et totum ꝛc. Et quicquid ꝛc. maxime de advocation ꝑoict ut de feodo ⁊ jure Et ulſius hoc inde ad war R. Y. qui ꝓlens eſt hic in Cur in ꝓpꝛia perſona ſua Et gratis advocation ꝑoict ei war ꝛc. Et ſup hoc ꝑoict W. Y. pet verſus ipſum R. Tenend p war ſuam advocation ꝑoict in fozma ꝑoict ꝛc. Et unde dic qꝫ ipſemet fuit ſeiſit de advocation ꝑoict ut de feodo ⁊ jure tempoꝛe pacis tẽpoꝛe Dñe Regine nunc Et ſic inde ſeiſit exiſtens ad Eccleſiam illam vacand ꝓſentavit ꝑoict R. R. Clicum ſuum qui ad ꝓſentationem ipſius W. Y. fuit admiſſus ⁊ inſtitut in eadem tempoꝛe pacis

tempoꝛe

tempore Dñe Regine nunc &c. qui quidem R. R. cepit inde exples ut in grossis decimis minutis decimis oblationibus & obventionibus ad valenciam &c. ut in jure Ecclesie sue Pdict Et qđ tale sit jus suum offert &c. Et Pdict R. H. tenend p war' suam defend jus Pdict Wl. P. & seisinam suam quando &c. Et totum &c. Et quicquid &c. Et maxime de advocation Pdict ut de feod & jure &c. Et ponit se in magnam Assisam Dñe Regine Et pet recogn inde fieri utrum ipse magis jus habet tenend advocationem Pdict ut tenens inde p war' suam ut ilr tenet an Pdict Wl. habend eandem advocationem ut ilr superius pet &c. Et Pdict Wl. P. pet licenc inveniendi & habet &c. Et postea ivent Wl. revend hic in Cur' isto eodem Termino in ppria pona sua Et Pdict R. H. licet solempnit exact non revend set in contempt Cur recessit Et defalt fac Ideo consideratt est qđ Pdict Wl. P. recuperet seisinam suam versus Pfat H. de advocatione Pdict tenend eidem Wl. & hered suis quiete de Pdict P. & hered suis Accend de Pdict J. A. & hered suis necnon de Pdict R. H. & hered suis imppetuum Et qđ idem P. heat de fra Pdict J. A. ad valenc &c. Et qđ idem J. A. ulcius heat le fra Pdict R. H. ad valenc &c. Et idem R. in mia &c. Et hoc Pdict Wl. pet br Dñe Regine faciend ei plenar' seisinam de advocatione Pdict vic Com Pdict dirigend Et ei concedit &c. retornabile hic a die Pas in quinq septimanas &c. Ad quem diem hic venit Pdict Wl. in ppria pona sua Et hic videt

A. L.

A. T. Ad eodem mand. q̄d ipse vicesmo bīn illius sibi direct vicesimo die Aprilis ultimo p̄terito here fecit p̄fat Gul. P. plenar seisinam de advocation p̄dict put p hoc illud sibi p̄cep fuit.

Hill. 6 Jac. Rot. 20.

ff. Recuperacō in breve de rēo Advocacōnis capis erpleš &c. nō in jure Eccleše sic p̄dict.

Pasch. 14 Eliz. Rot. 427.

ff. In Cōmūn Plē nunc super p̄sentacionem A. p̄dš fui e illā p̄sentacionē suam ppr.

Hill. 6 Jac. Rot. 252.

ff. Recuperacō de advocacōne quinte p̄te advocacionis &c.

Mich. 2 Jac. Rot. 29.

ff. Plē advocationem mediet Eccleše de C.

Pasch. 23 H. 8. Rot. 336.

ff. W. S. A. A. e G. P. p T. 99. Attorn suum plē versus R. W. e J. C. e J. W. manentium de M. cum p̄tin ac vocā messuagia alia gardina terr̄ e pcem arras Ecclesie

magine

tuginť acras ꝑati tentum acras pasture tri-
ginť acas bosci triginť acras jampnorum &
bruere & triginť solidat reddit cum ptin in
B. &c. ut jus & hereditatem suam. Et in que
ciam R. J. & J. non bene ingressum nisi post
disseisinam quam Hugo. Hunc inde injuste &
sine judicio fec ꝑfat W. J. & G. post primā
&c. Et unde dic qđ ipsimet fuer seisit de ma-
nerio tenementis & reddit ꝑdict cum ptin
in dominico suo ut de feodo & jure tempore
pacis tempore Dñi Regis nunc capiend inde
explēs ad valenciā &c. Et in que &c. Et inde
ꝑdus sect &c.

Quoad 3ꝑs voc T.

Et ꝑdict R. J. & J. in ꝑsonis ꝑsonis suis
ven & defend jus suum quando &c. Et quoad
ciam ꝑtem manerii tenementorum & reddit
ꝑdict cum ptin voc inde ad war T. J. Ar
qui ꝑsens est hic in Cur in ꝑsona ꝑsona sua
Et gratis eandem ciam partem cum ptin
ildem R. J. & J. ꝑd &c. Et hoc ꝑdict
W. J. & G. ꝑt versus ipsum T. tenend per
war suam ciam ꝑtem ꝑdict cum ptin in
forma ꝑdict &c. Et unde dic qđ ipsimet fuer
seisit de ciam ꝑte ꝑdict cum ptinen in domi-
nico suo ut de feodo & jure tempore pacis tem-
pore Dñi Regis nunc capiend inde explēs ad
valenciam &c. Et in quam &c. Et inde ꝑdus
sect &c. Et quoad medietatem residui ma-
nerii tenementorum & reddit ꝑdict cum ptinen
ildem R. J. & J. voc inde ad war J. Wageid
qui ꝑsens est hic in Cur in ꝑsona ꝑsona sua

Et

Et gratis eandem medietatem cum pertin sibem R. J. & J. war &c. Et super hoc Doick Wm. J. & G. petunt versus ipsum A. tenend p war suum medietatem Doick cum pert in forma Doick &c. Et unde dic qd ipsimet fuer seisit de medietat Doick cum pertin &c. Et inde pdus ser &c. Et quoad totum resid manerii tenementorum & revoit Doick cum pertin sibem R. J. & J. voc inde ad war G. B. qui pleng est hic in Cur in ppria plona sua Et gratis resid illum cum pertin sibem R. J. & J. war &c. Et sup hoc Doick Wm. J. & G. petunt versus ipsum C. tenend p war suam resid illud cum pertin in forma Doick &c. Et unde dic qd ipsimet fuer seisit de resid Doick cum pertin Et in quod &c. Et inde prodic sectam &c.

Le Common Vouchee.

Et Doick L. A. & C. seperatim tenend per war suam seperatim defend jus suum quando &c. Et idem L. quoad Doick tertiam partem cum pertin versus eum petit ulltius voc inde ad war M. Wil. qui prefens est hic in Cur in ppria plona sua Et gratis eandem medietat cum pertin ei war &c. Et Doick A. quoad Doick medietat cum pertin versus eum petit ulltius voc inde ad war prefat M. qui prefens est hic in Cur in ppria plona sua Et gratis eandem medietatem cum pertin ei war &c. Et Doick L. quoad Doick resid cum pertin versus eum petit ulltius voc inde ad war Doick M. qui pleng est hic in Curia in ppria

plona

persona sua. Et quartis reddit illud cum pertin ei war' &c. Et sup hoc ꝓdict Will. J. & G. petunt versus ipsum N. tenent' p war' suam manerr' tenta & reddit ꝓdict integra cum ptin' Et unde dic' qd ipsimet fuer' seisit de manerio tenis & reddit ꝓdict cum ptin' in dominico suo ut de feodo & jure tempore pacis tempore Dñe Regine nunc capiend' inde explees ad valenc' &c. Et in que &c. Et inde ponit' sect' &c.

Et ꝓdict J. tenens p war' suam defend' jus suum quando &c. Et dic' qd ꝓdict Hugo non dilexit' ꝓfat' Will. J. & G. de manerio tenis & reddit' p tm' ptin' put ipsem Will. J. & G. in brevi & narratione sua ꝓdict supius supponit. Et de hoc ponit se super patriam &c. Et ꝓdict Will. J. & G. pet' licenc' inde inf̃loquendi Et habent &c. Et postea iidem Will. J. & G. ven' hic in Cur' isto eodem Termino ꝑ Attorn' suum ꝓdict & ꝓdict N. licet solempnit' exact' non reven' fuit in contempsum Cur' recessit & defalt' fac' Juveo concordat' est quod ꝓdict Will. J. & G. recuperent seisinam suam versus ꝓfat' R. J. & J. de manio tenis & reddit ꝓdict cum ptin' Et qd iidem R. J. & J. habeant de tra ꝓdict T. ad valenc' ꝓdict tcie partis supius versus eum petit &c. Et quod idem T. ultus habeat de tra ꝓdict N. ad valenc' inde &c. Et qd iidem R. J. & J. habeant de tra ꝓdict R. ad valenc' ꝓdict medietat' supius versus eum petit &c. Et qd idem Ultus habeat de tra ꝓdict N. ad valenc' inde &c. Et etiam qd iidem R. J. & J. habeant de tra ꝓdict E. ad valenc' ꝓdict residui supius

versus eum petit &c. Et quod idem E. ulterius habeat de ten̄ ꝓdict̄ N. ad valenciā inde &c. Et idem N. in mīa &c. Pasch. 23 H. 8. Rot. 426.

Simile Hill. 5 H. 8. Rot. 519.

Et quoad terciam partem tenementorum ꝓdict̄ integrorum cum pertinen̄ idem T. vocat inde ad war̄ N. qui ꝓfens ēt &c. Et gratis &c. Et quoad medietat̄ alterius tercie ꝓdict̄ tenementor̄ integrorum cum pertinen̄ idem T. vocat inde ad war̄ W. qui ꝓfens &c. Et gratis &c. Et super hoc ꝓdict̄ D. petit versus ꝓfat̄ N. ꝓdict̄ terciam parcem cum pertin̄ unde idem N. superius vocatur ad war̄ &c. versus ꝓfat̄ W. ꝓdict̄ medietatem ꝓdict̄ tercie partis cum pertin̄ unde idem W. superius vocatur ad war̄ &c. Et versus &c. Et unde dic̄ q̄d ipsimet fuer̄ seisit̄ de ten̄tis ꝓdict̄ integris cum pertin̄ in dñico suo &c.

Mich. 41 & 42 Eliz. Rotulo 12. Quoad unam medietat̄ &c.

Et ꝓdict̄ R. per J. C. Attorn̄ suum ven̄ & defend̄ jus suum quando &c. Et quoad unam medietat̄ manerii tenementorum libere piscar̄ & communie pasture ꝓdict̄ cum pertin̄ voc̄ inde ad war̄ C. B. qui ꝓfens

ēt

rit hic in Cur in propria persona sua. Et gratis eandem medietatem cum pertinen eidem R. warant &c. Et quoad alteram medietatem reliq manerii tenementorum li-bera pisc & communie pasture pdict cum pertinen idem R. voc inde ad war T. P. qui similiter presens est hic in Cur in pro-pria persona sua. Et gratis eandem medie-tatem cum pertin ei war &c. Et super hoc predict R. & T. petunt versus ipsum E. tenen per war suam medietatem pre-dict cum pertin unde idem E. superius vo-catur ad war &c. Et super hoc predict R. & T. pet versus ipsum T. P. tenen per war suam medietatem predict cum pertin unde idem T. superius vocatur ad war in forma predicta &c. Et unde nil quod ipse mer fuer seisiti de manerio tenementis li-bera pisc & communia pasture predict in-tegris cum pertinen in dominico suo ut de feodo & jure tempore pacis tempore Domine Regine nunq capiendo inde explet ad valen-ciam &c. Et in que &c. Et inde protinus sectam &c. Et predict E. & T. P. seperatim tenen per war suam seperatim defend jus suum quando &c. Et idem E. quoad predict medietatem cum pertinen superius versus eum petit ulterius vocat inde ad war T. B. filium ipsius E. qui presens est hic in Cur in propria persona sua. Et gratis eandem medietatem cum pertinen ei war &c. Et super hoc predict R. & T. P. pet versus ipsum T. B. tenen per war suam medietatem predict cum pertinen unde ipse

superius vocatur ad war in forma predict &c. Et unde dic quod ipsumet fuer seisit de medietate &c. cum pertineñ simulcum alteva medietate manerii &c. cum pertineñ in dominico suo &c. Et inde prout &c. Et predict T. B. teneñ per war suam defend jus suum quando &c. Et quoad predict medietatem cum pertineñ superius versus eum petit ulterius voc inde ad war R. H. qui presens est hic in Cur in propria persona sua Et gratis eandem medietatem cum pertineñ ei war &c. Et predict T. P. quoad predict medietatem &c. redd cum pertineñ superius versus eum petit ulterius voc inde ad war præfat R. H. qui presens &c. Et gratis medietatem predict redd cum pertineñ ei war &c. Et super hoc predict R. & T. N. pet versus ipsum R. H. teneñ p' war suam manerium &c. integra cum pertineñ in forma predict &c. unde dic quod ip fuit seisit de quo integris cum pertineñ in dominico suo ut de feodo & jure &c. [Et quod predict H. &c. non dissaisivit præfat peteñ de manerio &c. integris cum pertineñ prout &c. Et predict peteñ pet licenciam &c.] Ideo consideratum est quod predict petentes recuperent seisinam suam versus præfat teneñ de manerio &c. integris cum pertineñ Et quod idem R. habeat de fra predict G. ad valenciam medietat predict superius versus eum petit &c. Et quod idem E. ulterius habeat de fra predict T. B. ad valenciam &c. Et quod idem T. B. ulterius habeat

de

de terra predict R. H. ad valenciam inde &c. Et similit quod idem tenend habeant de terra predict T. P. ad valenciam medietat superius versus eum petit &c. Et quod idem T. P. ulterius habeat de terra predict R. H. ad valenc inde &c. Et idem R. H. in mia &c.

Paſch. 40 Eliz. Rotulo 75. Certificacō war Attorn' per Executor' Justic' per Breve de Certiorar'.

Memorandum quod G. S. Arm unus Executorum testamenti J. B. nuper unius Justic' Domine Regine de Banco hic tertio die Maii isto eodem termino virtute brevis ejusdē Dñi Regine sibi directi quod sequit in hec verba Eliz. &c. (recitand tot breve) mis hic pdict war Attorn unde in eodem brevi fit mencō que sequit in hec verba Eliz. &c. Trin 23 Car. Rot. 24.

Autiel.

ss. Memorand quod T. A. gen E. G. H. gen executor testamenti J. W. nuper unius Justic' Domine Regine de Banco hic vicesimo primo die Novembris isto eodem termino deliberaver hic in Cur brevia annexa quorum tenor sequitur in hec verba Eliz. &c. Aliter p Exec Justic'.

Pasch 3 & 4 Ph. & M. Rot. 623.

Aliter per Exec' servien ad Legem.

ſſ. Memorand quod B. C. Mild Executrix teſti R. C. uid ſervient Dñi Regis & Dñe Regine ad legem que ſola administravit bona & catalla poict R. (Ili die) illo eodem Termino virtute brevis dict Dñi Regis & Dñi Regine Reverendo in Christo Patri & Domino Cantuar' ep̃o nuncupat Dñi Regis & Dñe Regine A. Eliens Episcopo & Pñat B. C. nominat &c. Exec' teſti R. C. &c. quod ſequit in hec verba Philippus & Maria &c. (recit breve) mihi dir' quod quidem war' in Curia coram C. Pñt Clerici vicecomit Dñi Regis & Dñe Regine de Banco hic affirmat cuius tenor ſequit in hec verba Coſtpũ ſſ. Precipe &c.

Trin 3 Eliz. Rot 413.

Nota.

In Coſ recuperat' Tenens voc' ad war' le Vouchee pet' quid het a luy lier a garrant & tenend p̃fatat finem levat' p̃ le vouch & ux' Z' warrant'.

Et poict le vouch dic quod iple non potest devenire quem fili poict levabit int' &c. de Pas nec Venentis & revoit poict cum pertin nec quem iple eadem Maneria &c. Pñt tenend & pered' ſuis contra ipſum le Vouchee & pered' ſuos warrantizare debeat Et eadem Maneria &c. eidem tenend war' Et ſuper hoc &c.

Trin

Trin 3 Eliz. Rot 140.

In ingru' in le Poſt tenend hoc T. M. qui comperuit & per quod pitct tenend oſtend quid ſpectalitatis heat p qđ war debeat Et oſtend Cartam cum war &c. Nota.

Dicitur fuit p Cur qđ war Attorn tam p Tenend quam p Vouche increvitur de Termino Sancti Hillar Anno ſecundo Eliz. Regine inſt Stevens & Prettin & Water-houſe p Leatis in Com Eſſex Trin 29 Eliz. Notanda.

Waters are not demandable by that Name in a Precipe, but the Land whereupon the Water ſtandeth or floweth, as **dicitur terras terre aqua cooperte**, Co. Lit. fo. 4. a.

Gurges a deep Pit of Water; a Gors or Gulf conſiſteth of Water and Land, and therefore by the Grant thereof by that Name, the Soil doth paſs, and a Precipe doth lie thereof, and ſhall lay his eſplees in taking of Fiſhes, as Bream, Roches, &c. *ib. fo.* 5, 6. **Seavium Ferlingus** or **quarentena terre** is a Furlong of Land, and will paſs by that Name, and ſome hold that by that Name it may be demanded, *ibid.*

Many things may paſs by a Name, that by the ſame Name cannot be demanded by a Precipe (for that doth require more preſcript Form) but whatſoever may be demanded by a Precipe, may paſs by the ſame Name by way of Grant, *ibid.*

Trin 37 Eliz. Rot 2078.

Nota. Morgan & Owen, terr fuit done al Baron & Feme & al heirs del Corps le baron engender perent eux le: bar lolent luffer un Common recovery. Agrea p touts les Juſtices que cel Recovery ſuit void a bare l'eſtate Tayl: le reaſon fuit p ceo que le recompence ne ala al feme, car ſi le baron ad fait feoffment in fee & reprit eſtate & puis luffer un recovery tome il puiſſoit, ſi le Recovery ad ete del auter eſtate.

Nota. If the firſt Tenant in Tail doth not diſcontinue, then a ſingle Voucher ſerves, but if there be a diſcontinuance (as thus, the firſt Tenant in Tail makes a Feoffment, and then takes back an Eſtate Tail) then it muſt be a double Voucher.

T. Waller.

Paſch 20 Car Regis 2? Rot 2.

Wyrley Bedd.

Pl. Precipe R. D. Jun Gen quod juſte et. reddat R. G. Gen Gen Manerium de Poddington cum ptin ac viginti & quinq; Meſuag tria tofta unum molendinu ventriticum duo Columbar viginti & quinq; Gardina octingent & quinquaginta Acr Terre quadraginta & quinq; Acr Prati centum Acras paſture ſeragint & quinq; Acr Boſci quingent Acr Jampnorum & Bruere ſex Libras Reddit

Coram

Coiam Pastur p omnibus averiis libam pis-
cariam libam Warennam Vic Franc Pleg
Bona & Catalla wabiat & extrahur Bona &
Catalla Felon Fugitivozum Utlagat at-
tinct felon de se deodand Thesaur inuent &
omnes Jurisdictiones Franches & Libertat
cum ptin in P. H. L. alias L. S. & W.
Necnon Rectoziam de P. cum ptin acetiam
omnes & omnimod Decimas Oblationes
Pozciones & Pentiones annuatim pzoventen
crescen seu renovand in P. ac Advocation
Vicarie Eccliese de P. que clamt &c.

Et unde dic qd ipsemet tuit seisit de Ma-
nerio Tenementis Reddit Communia liba
Piscaria libera Warenna Vic Franc pleg
Bonis & Catallis wabiat & extrahur Bonis
& Catallis Felonum Fugitivorum Utlagat
attinct Felon de se Deodand Thesaur in-
vent & omnibus Jurisdictionibus Franches
libertat Rectozia Decimis Oblationib9 Poz-
tionibus & Pentionibus pdict cum ptin in
dominico suo ut de feodo & jure ac de Advo-
tione pdict ut de feodo & jure tempoze pa-
cis &c.

Et gratis Mañia Tenemta Reddit Com-
munia liberam Piscariam liberam Warren-
nam Vic Franc Pleg Bona & Catalla Wa-
biat & Extrahur Bona & Catalla Felon
Fugitivozum Utlagat attinct Felon de se
Deodand Thesaur inuent & omnes Juris-
dictiones Franches Libertates Rectozia De-
cimas Oblationes Pozciones & Pentiones
pdict cum pertinen ac Advocationem pdict
ei par &c.

Nota

Nota semper dicere, Quod Demandans fuit seisit de omnibus parcellis quibuscunq; in dominico suo ut de feodo & jure nisi fit de Advocatione & tunc omitte verba (in dominico suo) ut infra apud hoc signum *

Et unde dic qd ipsemet fuit seisit de Pannertis Tenementis & reddit paict cum pertin in dominico suo ut de feodo & jure ac de * Advocatione paict ut de feodo & jure tempore &c.

Et gratis Panertis Tenementis & Reddit paict cum pertinen ac Advocationem paict &c.

London ff. Precipe C. D. Gerd quod juste &c. reddat A. B. Gerd tredecim Pelnagia cum pertin in Parach Sancti Andree Holborn que clamt &c.

De 13 Melnag.

Et unde dic quod ipsemet fuit seisit de Pelnagiis paict cum pertin in dominico suo ut de feodo &c.

De quatuor Acris Prati.

Et unde dic qd ipsemet fuit seisit de quatuor Acris paict cum pertin in dominico &c. Et in quas &c. Et unde paict lecram &c.

De duobus Communiis.

ff. Precipe A. B. & C. D. ter Pelnagia &c. Communiam Pastur p omnibus Actis

&

& Communiam Turbarie cum pertin &c. Et unde dic' q̄ ſeiſit fuit de Tenementis & Communis prout in dominico ſuo &c.

Note, The moſt proper way to find out a Recovery formerly paſſed, is to ſearch with the Clerk of the Warrants, who uſeth to take Notes out of all the Plea Rolls of all the Prothonotaries Offices, and enters them diſtinctly and fairly into a Regiſter-Book, every Office by it ſelf, and alſo the Number of the Roll.

The Form of a Surrender or Leaſe to make a Tenant to the Precipe for a Common Recovery.

THis Indenture made, &c. between *A. B.* of &c. of the one part, and *C. D.* of, &c. of the other part; Witneſſeth, That whereas the ſaid *A. B.* doth hold for the Term of his Life, one Meſſuage &c. in *D.* in the County of *E.* the immediate Reverſion or Remainder whereof doth belong to the ſaid *C. D.* and his Heirs, or to the Heirs of his Body lawfully begotten, for ever. Now the ſaid *A. B.* for the perfecting of ſome Aſſurance ſhortly to be made of the ſame Meſſuage, &c. by way of Common Recovery, hath granted and ſurrendred, and by theſe Preſents doth grant and ſurrender

render unto the ſaid *C. D.* and his Heirs upon the Condition herein after mentioned, all that the ſaid Meſſuage &c. and all the Eſtate, Right, Title and Intereſt of the ſaid *A. B.* therein **To have and to Hold** to the ſaid *C. D.* and his Heirs upon Condition, That if the ſaid *C. D.* do not pay or cauſe to be paid to the ſaid *A. B.* the ſum of one thouſand Pounds of lawful *Engliſh* Mony upon the firſt day of &c. next enſuing after the date hereof, That then and from thenceforth this preſent Grant and Surrender ſhall be utterly void and of none Effect: And that then alſo it ſhall and may be lawful to and for the ſaid *A. B.* into the ſaid Meſſuage &c. to re-enter, and the ſame to have again, repoſſeſs and enjoy as in his former Eſtate and Right, any thing in theſe Preſents to the contrary in any wiſe notwithſtanding. In **Witneſs**, &c.

A Leaſe and Releaſe, to make one Tenant to the *Precipe* in a Recovery, and lead the uſe thereof.

A Leaſe for a year (by way of Bargain and Sale, according to the Statute.)

THis Indenture made &c. Between *T. H.* of, &c. of the one part, and *I. B.* of, &c. of the other part, **Witneſſeth**, That the ſaid *T. H.* for, and in conſideration of the Sum of Five Shillings of lawful Mony of *England* to him in hand paid by the ſaid *I. B.* at or before the Enſealing and Delivery of theſe Preſents, the Receipt whereof is hereby acknowledged; Hath bargained

bargained and sold, and by these Presents doth bargain and sell unto the said *I. B.* All, &c. **To Have and to Hold** the said &c. Tenements, Hereditaments and Premises, with the Appurtenances hereby bargained and sold, or mentioned or intended to be hereby bargained and sold unto the said *I. B.* his Executors, Administrators and Assigns, from the day next before the day of the Date of these Presents, for, during and unto the full end and term of one whole year from thence next ensuing, and fully to be compleat and ended: To the intent and purpose that the said *I. B.* may be the better enabled to receive and take a Grant or Release of the Premises hereby bargained and sold, or mentioned or intended to be hereby bargained and sold to him and his Assigns, for and during the Natural Life of the said *T. H.* in such sort, manner and form, as in and by one Indenture intended to bear Date the day next after the day of the Date of these Presents, the same shall be granted, released and conveyed. **In Witness**, &c.

The Release.

This Indenture Tripartite made &c. Between *T. H.* of the first part, *I. B.* of the second part, and *R. H.* of &c. of the third part. **Witnesseth**, That the said *T. H.* for and in consideration of the Sum of five Shillings of lawful Mony of *England* to him in hand paid by the said *I. B.* at or before the Ensealing and Delivery of these Presents, the Receipt whereof is hereby acknowledged: Hath given, granted,

released

releaſed and confirmed, and by theſe Preſents doth give, grant, releaſe and confirm unto the ſaid *I. B.* All &c. late in the Tenure or Occupation of the ſaid *T. H.* (but now all in the actual poſſeſſion of the ſaid *I. B.* by force of an Indenture of Bargain and Sale thereof made, bearing Date the day before the Date of theſe Preſents, and of the Statute for transferring of Uſes into poſſeſſion being) To Have and to Hold All and ſingular the ſaid, &c. and all and every the Premiſes with the Appurtenances hereby given, granted, releaſed and confirmed, or mentioned or intended to be hereby given, granted, releaſed and confirmed unto the ſaid *I. B.* and his Aſſigns, for and during the Natural Life of the ſaid *T. H.* To the intent and purpoſe that the ſaid *I. B.* ſhall and may be perfect Tenant of the Freehold of all the ſaid Lands and Premiſes, until one or more good and perfect Recovery or Recoveries may be had againſt him the ſaid *I. B.* of the ſame Lands and Premiſes. And it is covenanted, granted, concluded and agreed by and between all the ſaid Parties to theſe Preſents, That it ſhall and may be lawful to and for the ſaid *R. H.* before the laſt day of *Hill.* Term next enſuing the Date of theſe Preſents, to proſecute out of the High Court of *Chancery* one or more Writ or Writs of Entry, *ſur Diſſeiſin en le poſt* againſt the ſaid *I. B.* returnable in the Court of *Common Pleas* at *Weſtminſter*, whereby the ſaid *R. H.* ſhall and may reſpectively demand againſt the ſaid *I. B.* all and ſingular the aforementioned Premiſes with the Appurtenances by ſuch Name

or Names, Quantity or Quantities, Quality or Qualities, Numbers or Content of Acres as ſhall be thought fit and requiſite, unto which ſaid Writs or Writs the ſaid *I. B.* ſhall appear in proper Perſon, and ſhall vouch to Warranty *T. H.* who ſhall appear *gratis* upon the Voucher, and ſhall enter into Warranty, and ſhall vouch over to Warranty the common Vouchee, and the common Vouchee ſhall appear and imparle, and afterwards make default, whereby one or more Recovery or Recoveries, Judgment or Judgments, may be had and given for the ſaid *R. H.* for Recovery of the ſaid &c. Tenements Hereditaments and Premiſes aforeſaid, againſt the ſaid *I. B.* and for the ſaid *I. B.* to recover over in value againſt the ſaid *T. H.* and for the ſaid *T. H.* to recover over in value againſt the Common Vouchee, according to the manner and form of Common Recoveries in ſuch Caſes uſed. And it is further covenanted, granted, concluded, agreed and declared by and between all and every the ſaid Parties to theſe Preſents, and the true intent and meaning of the Parties to theſe Preſents is; That from and immediately after the ſaid Common Recovery or Recoveries ſhall be had, proſecuted and ſuffered as aforeſaid, of the ſaid Premiſes, The ſaid Recovery or Recoveries ſhall be and enure, and ſhall be conſtrued, eſteemed, adjudged, and taken to be and enure, and are hereby declared to have been intended to be and enure, That the ſaid *R. H.* and all and every other Perſon and Perſons which ſhall be ſeiſed of the Premiſes or any part thereof, by force or virtue of the ſaid Common Recovery or Recoveries

veries shall stand and be seised thereof, and of every part and parcel thereof with their and every of their Appurtenances to the only use and behoof of the said *T. H.* his Heirs and Assigns, and to no other use, intent or purpose whatsoever. In Witness, &c.

Concerning the Operation and Effect of Recoveries.

9 *Co.* 127. 3 *Co.* 80.

A Common Recovery is much of the Nature of a Fine, but is better in regard it bars Remainders and Reversions; upon a Recovery an Use may be averred as well as upon a Fine; it is a formal and orderly Assurance of Lands, and it may be avoided, if suffered by Covin to deceive purchasers, or any usurious Contract as another fraudulent Conveyance. That it hath great favour from the Law, many of the Inheritances of the Kingdom depending upon this Assurance, and no Error, except it be a notorious and gross Error in it, will make it voidable; for that it is done by consent, and doth suppose a Recompence in value to all persons that lost the Estate.

1 *Co.* 22. 62. 5 *Co.* 41. 10. 37, 39. 7 *H.* 8. 4. *Junk. Cent.* 1 6. *ca.* 35, 39. See *Doct.* & *Stud.* 41, 49, 50.

Stilus Reg. 450.

Stranger not barred.

That a Stranger, that hath Right to the Land at the time of the Recovery suffered, is not barred at all by the Recovery or by his Laches of Non Claim, *&c.* as in the Case of a Fine, 3 *Co.*

Condition not to alien, barr'd

That a Condition, that a Donee in Tail shall not alien is void; and therefore such a Donee in

Tail

Tail may, notwithstanding such Condition by Recovery bar it, 9 *Co.* 127.

That he that is in an Estate in Possession by Title above the Recovery, shall not be bound by the Recovery, 1 *Co.* 96. *a.* Title paramount.

That a Recovery with single Voucher cannot be a Bar of an Estate Tail, to which he that suffers the Recovery has only a Right at the time of the Recovery suffered, 3 *Cro.* 828. The Recoveree not seised.

That the Recoverers are not in Seisin of the Land till Execution, albeit the Land be in Lease for years, *Moor* 137. Recoverers not in seisin till Execution.

That if a Recovery be had against a Tenant in Tail, and Judgment entred, and the Tenant in Tail die before Execution, yet Execution may be sued against the Issue in Tail, 1 *Co. Shelley's* Case, *Moor* 137. Tenant in Tail dies, Execution sued against the Issue in Tail.

That whosoever may suffer a Recovery, he or she may declare the Uses of it, 10 *Co.* 42. Uses declared.

The Statute of 7 *H.* 8. *ca.* 4. shews how Recoverers may distrain for Rent, *&c.* Distress for Rent.

Stat. 21 *H.* 8. *ca.* 15. shews how Termor for years may falsifie a feigned Recovery, and that a Recoverer may have the same Remedy for Rent, Waste, *&c.* as the Recoveree had: and Termor for years may falsifie Recovery.

That no Statute-Merchant, Staple or Execution by *Elegit* shall be avoided by such feigned Recovery. Statute not avoided by Recovery.

That no Heir in Tail (the Reversion and Remainder in the King) shall be barred by Common Recovery, *Stat.* 34 *&* 35 *H.* 8. *ca.* 20. but this is supposed, where the Land is of the King's Gift, and not of a Subject. The Reversion in the King. *Moor* 344.

As if Tenant for Life make a Leaſe for years, and the Leſſee doth make a Feoffment in Fee, and the Feoffee ſuffereth a Recovery and voucheth the Tenant for Life, 'tis not good againſt the Reverſioners or Remainders.

By *Stat.* 14 *Eliz. ca.* 8. Recoveries had or proſecuted by Agreement (or by Covin) againſt Tenants by the Curteſie, Tenants in Tail after Poſſibility of Iſſue extinct for Term of Life or Lives, or of Eſtates determinable upon Life or Lives, *&c.* ſhall be void, as againſt the Reverſioners or them in Remainder, and againſt their Heirs and Succeſſors.

Aſſent upon Record.

But this Act is not to prejudice any perſon that ſhall by good Title recover any Lands, *&c.* without Fraud by reaſon of any former Right or Title; alſo every ſuch Recovery had by Aſſent and Agreement of the perſon in Reverſion or Remainder appearing of Record in any of the Queens Courts, ſhall be good againſt the Party ſo aſſenting: But this Aſſent muſt appear upon the ſame Record either upon a Voucher, Aid Prier, Receipt, or the like, and not by any extrajudicial Entry or *Memorandum*, *Co. Lit.* 362.

Recovery ſuffered by Spiritual perſons.

Recovery by Spiritual Perſons, as Biſhop, Dean, Parſon, Vicar of their Spiritual Lands ſhall not bind their Succeſſors. See *Stat.* 32 *H.* 8. *ca.* 28. 13 *Eliz. ca.* 20. 14 *Eliz. ca.* 11. 18 *Eliz. ca.* 10, 20. *Co. Lit.* 441.

Tenants for Life, and he in the Remainder vouch the Common Vouchee, *Co.* 3. 6.

But if Tenant for Life, and he in Remainder in Tail ſuffer a Common Recovery, and both vouch the Common Vouchee, this is held to be no good Recovery to bar the Iſſue in Tail, 1 *Co.* Marquis of *Wincheſter*'s Caſe. For he in Remainder was not Tenant to the Precipe being not in poſſeſſion.

But if there be Tenant for Life, the Remainder in Tail, the Reverſion or Remainder in Fee, and the Tenant for Life is impleaded by Agreement, and he vouch the Tenant in Tail, and he vouch over the Common Vouchee; this will bar the Reverſion or Remainder in Fee, although he in the Reverſion or Remainder did never aſſent to the Recovery.

Tenant for Life vouches Tenant in Tail and he vouches over the Common Vouchee. Bar without Aſſent.

So if the Tenant for Life ſurrender to him in Remainder in Tail, he may ſuffer a Recovery, and bar the Eſtate Tail, *Co. Lit.* 362. See the Form of a Surrender at the end of this Book.

Surrender to Tenant in Tail.

As to Recoveries by Covin take this in general.

That if the Tenant for Life ſuffer a Common Recovery without the Aſſent of him in Reverſion, this is void by the Statutes 32 *H.* 8. *ca.* 31. 14 *Eliz. ca.* 8. And will be a Forfeiture of the Eſtate of Tenant for Life, ſee 1 *Co. Pelham's* Caſe.

Recovery by Tenant for Life by Covin. Forfeiture.

And yet if Tenant in Tail in Poſſeſſion or Remainder ſuffer a Common Recovery by Agreement in any caſe (except where the Reverſion is in the King) this is good, and may not be falſified as done by Covin; ſo where Tenant for Life is, the Remainder in Tail or Fee, and the Tenant for Life ſuffer a Common Recovery and vouch over him in the firſt Remainder in Tail, or him in the next Remainder in Fee, this is not Fraudulent, but a Bar to the Eſtate Tail, &c. 10 *Co.* 43, 49.

And yet if the King give Land in recompence of any Service done to him or for other Cauſe, and the Tenant in Tail, whilſt the Reverſion is

Recovery fraudulent againſt the King

in the King, ſuffer a Common Recovery this ſhall be ſaid to be fraudulent and void as againſt the King and his Succeſſors by the Stat. 34 *H.* 8. *ca.* 20. 10 *Co.* 48. *Plowd.* 54.

And it is to be known, that upon the Stat. 14 *Eliz.* of feigned Recoveries, that thereby no Reverſion or Remainder expectant upon an Eſtate Tail is preſerved where the Tenant for Life is impleaded, and Tenant in Tail vouched; for where the Tenant in Tail is Party to the Recovery it cannot be by Colluſion, becauſe it is in the power of him to Dock the Remainder and Reverſion, 10 *Co.* 45. *Et quia jus & fraus nunquam cohabitant.*

No Covin where Tenant in Tail is Party.

Alſo if Land be conveyed by a Husband or any of his Anceſtors to the Wife for her Life, or to her and her Husband and their Iſſue in Tail for the Joynture of the Wife: And after the Husbands Death the Wife alone, or ſhe and an after Husband ſhall ſuffer a Common Recovery of the Land, this ſhall be eſteemed fraudulent and void by the Statute, 11 *H.* 7. *c.* 20. But more of this hereafter.

Wife ſuffers a Recovery of the Lands ſetled to her in Jointure is fraudulent.

Recoveries by Husband and Wife.

Husband and Wife join.

THat a Common Recovery ſuffered by a Woman Covert that hath an Husband, who doth joyn with her in the Recovery, is good and will bind them, their Heirs, and all others; but if ſhe be an Infant, and appears as Vouchee by her Attorny, this Recovery will not bind her, 10 *Co.* 43. *Plowd.* 515. *Bridg. Rep.* 69, 70, 71.

Wife an Infant.

If there be Tenant for Life, Remainder to Husband and Wife and their Heirs, and the Husband and Wife ſuffer a Recovery, being vouched by the Tenant for Life, this ſhall bind the Wife, *Stiles Rep.* 320. Remainder to Husband and Wife.

If the Husband and Wife be joint Tenants of any Eſtate in Fee Simple or Fee Tail of Land before Coverture, and the Husband alone ſuffer a Recovery of it, this is good for a Moiety. Husband and Wife joint-tenants before Coverture Recovery by Husband alone.

And if Husband and Wife be joint Tenants after the Coverture, and then they ſuffer a Recovery together, this will bind them. Joint Tenants after Coverture Recovery by both.

Alſo if Husband and Wife be joint Tenants for Life of Land, the Remainder to the Heirs of the Husband, and they ſuffer a Recovery of it, this is no Bar to the Iſſue for any part of the Land, *Mobr* 350. See after. Husband and Wife Joint-tenants Remainder to the Husbands Heirs.

Where Lands are given to a Man and his Wife and the Heir of the Body of the Wife, or to the Wife and the Heirs of her Body, and the Writ of Entry is brought againſt the Husband and Wife, and they vouch the Common Vouchee; theſe are good Recoveries, and will bar the Eſtates of the Husband and Wife, and of them in Remainder and Reverſion expectant thereupon, *Lit. Bro.* 37, 81. Lands given to Husband and Wife and the Heirs of the Body of the Wife.

Where a Man hath Land in which his Wife has a Joynture, or to which ſhe will have Title of Dower after his death; if in this Caſe the Writ of Entry be brought againſt them both, and they vouch the Common Vouchee, and ſo a Recovery is had, this Recovery will bar them both; but not if againſt the Husband alone without her of any ſuch Eſtate by a Recovery, Recovery of the Wifes Joynture. How good. How void.

Lands given to Husb. and Wife and the Heirs of the Body of the Husband Remainder over. Husband Tenant in Tail Remainder to the Wife in Tail, Husband suffers a Recovery. Land to two and the Heirs of one, Remainder over Recovery by one, good for a Moiety. But betwixt the Husband and Wife there are no Moieties, 3 Co. 5, 6. Recovery suffered by Wife of her Estate, in Dower, for Life, or in Tail of the Inheritance or Purchase of the Husband, &c. Void.

for she may falsifie and avoid it after his death, *Plowd.* 514. 3 *Co.* 5.

If Land be given to Husband and Wife and the Heirs of the Body of the Husband, the Remainder over, and the Husband alone suffer a Common Recovery, this is no Bar to the Remainder, 3 *Co.* 5.

If the Husband be Tenant in Tail, the Remainder to the Wife in Tail, and he suffer a Recovery of the Land; by this she is barred.

And yet if Lands be given to two others and the Heirs of the Body of one of them, the Remainder over to a Stranger, and the Writ of Entry is brought against one of them, and he vouch the Common Vouchee, and so a Recovery is had; this is a good Recovery, and Bar to all the Estates for one half of the Lands, 3 *Co.* 5, 6.

But all this notwithstanding if a Woman that has an Estate in Dower, for Life or in Tail, joyntly with her Husband, or only to her self, or to her use in any Lands, &c. of the Inheritance or Purchase of her Husband, or given to the Husband and Wife by the Husbands Ancestors, or any seised to the use of the Husband or his Ancestors, do after the Husbands death sole (or with another Husband) suffer a Recovery of it; it shall be void. And he to whom the Land ought to belong after the death of the said Woman may enter as if the Woman was dead; and yet if in this case she doth it with the Consent of the next Heir, or shall join with him, that is a good Recovery; or if the Writ be brought against her, and she vouch

the

the Heir in Tail, and ſo the Recovery is had, *Stat.* 11 *H.* 7. 20, 3 *Co.* 58, 59, 60.

A Common Recovery ſuffered by one that hath Fee-ſimple of Land, will bind him that ſuffers it, his Heirs, and all others. Recovery by one that hath Fee-ſimple.

If a Mortgagee ſuffer a Recovery, this will not bind the Mortgagor, but if the Mortgagor be a Party to the Recovery, the Recovery will be good, 2 *Cro.* 592, 593. By a Mortgagee.

If one deviſe Land to another and his Heirs as long as *J. S.* hath Iſſue of his Body: In this Caſe no Recovery will ſeclude or bar him that made the Gift of his poſſibility to have the Land again, unleſs he be a Party to the Recovery by Voucher: For a Recovery againſt a Tenant in Fee-ſimple ſhall never bind a Collateral Intereſt, Title or Poſſibility; as a Condition, Covenant or the like, 2 *Cro.* 593. How to bar him that hath a poſſibility of a Reverter upon a Demiſe Conditional. Collateral Intereſt.

If *A.* be Tenant in Tail, the Remainder to *B.* in Tail, Remainder to *C.* in Tail, Remainder to *D.* in Fee. *A.* makes a Feoffment, and the Feoffee ſuffers a Recovery, and doth vouch *B.* who voucheth over: By this Recovery *A.* is not barred at all, but *B. C.* and *D.* are barred of all their Remainders, 3 *Co.* 6. Three Tenants in Tail, Remainder in Fee. Firſt Tenant makes a Feoffment, Feoffee ſuffers a Recovery, & vouches the 2d Tenant in Tail

It is ſaid, That if Land be to *E.* for Life, the Remainder to *B.* in Tail, the Remainder to *C.* in Fee; *B.* dieth (his Wife being young with Child of a Son) and a Recovery is had againſt *E.* with the aſſent of *C.* and afterwards a Son is born; In this Caſe the Son ſhall not be holpen by the Statute 32 *H.* 8. For that the Remainder was not *in eſſe* at the time of the Recovery, 2 *Leon.* 224. *Caſe* 285. *Quære de hoc.* By Tenant in poſſeſſion.

Feoffment to Father for Life, Remainder to the eldeſt Son in Tail and his Heirs, and Recovery is ſuffered by the Father before the eldeſt Son is born, who after is born and hath a Son.

So if a Feoffment be to the uſe of himſelf for life, and after of his eldeſt Son in Tail, and after of his Heirs (not having any Son at the time of the Feoffment made) after he ſuffers a Common Recovery, and hath Iſſue a Son, who dieth in the Life of his Father, having Iſſue a Son, and after he dieth; In this Caſe the Son, and Heir of the Son may not avoid this Recovery by 32 *H.* 8. 2 *Leon.* 224. but may avoid it by Common Law, 2 *Leon.* 224.

It is a Rule, that where the Eſtate Tail in Poſſeſſion is not barred by a Recovery, there the Eſtate in Reverſion or Remainder is not barred. *Quod non in magis propinquo, non in magis remoto valebit*; and ſo it is *e converſo*, where the Eſtate Tail in Poſſeſſion is barred by the Recovery, all the Remainders and Recoveries, Conditions, Charges, Incumbrances and Eſtates dependent upon it are barred alſo, except in ſome ſpecial Caſes where the Reverſion or Remainder is in the King. And therefore if *A.* be Tenant in Tail, the Remainder to *B.* in Tail, the Remainder to *C.* in Fee, and *B.* or *C.* doth make a Leaſe for years of the Land, or grant a Rent-Charge out of the Land, or enter into a Statute or the like, or grant the Remainder or Reverſion upon Condition, and after *A.* doth ſuffer a Common Recovery of the Land and then dieth without Iſſue, in this caſe the Recoverer will hold the Land diſcharged of all theſe Eſtates, Remainders and Charges, 1 *Co.* 62. *Jenk. Cent.* 6. *c.* 41. 6 *Co.* 43. *Moor* 298.

Two Tenants in Tail, Remainder in Fee; the 2d Tenant in Tail of the Fee makes a Leaſe or grants a Rent-Charge, the firſt Tenant ſuffers a Recovery, the Leaſe or Rent is diſcharged. See after.

But

But if a Common Recovery be had againſt Tenant in Tail where there is a Remainder over to another, and he vouch over the Common Vouchee; in this Caſe and by this he is barred, and his Iſſues, if he had any, and he in the Remainder is barred, and ſo is he in Reverſion alſo, although it has been held otherwiſe, 1 *Co.* 63. *Bendl.* 11.

Tenant in Tail Remainder over, Tenant in Tail ſuffers a Recovery, and vouches the Common Vouchee.

If he in Remainder grant a Rent, and after the Tenant in Tail ſuffer a Recovery, and dye without Iſſue, the Remainder is diſcharged of the Rent, *Moor* 298.

Rent diſcharged, ſee before.

And if there be a Leaſe for years, and a Recovery ſuffered of a Reverſion, this will not hurt the Leaſe for years, but he may falſifie it by *Stat.* 11 *H.* 8. 15.

Recovery of a Reverſion. Leaſe for years ſaved.

But a Recovery ſuffered by Tenant in Tail after he hath made a Leaſe of the Land, or entred into a Statute will make the Leaſe or Charge that before was voidable, good againſt the Iſſue in Tail, and him in Remainder or Reverſion; and the Recoverer alſo ſhall hold it charged, and ſubject to the Leaſe made by Tenant in Tail, 1 *Co.* 25. 44 *E.* 3. 22.

Tenant in Tail may not avoid his own Leaſe or Rent granted by him out of the Land, but the Recovery ſhall enure to perfect the Grant and Leaſe.

If he in Reverſion upon an Eſtate Tail grant a Rent Charge and Tenant in Tail diſcontinue, this Charge is of no effect until the recontinuance of the Eſtate Tail, by him in Reverſion, though Tenant in Tail die without Iſſue, *Fenk. Cent.* 6. *c.* 41.

Reverſioner grants a Rent-Charge and Tenant in Tail diſcontinues and dies without Iſſue.

But

Recovery by Collusion against Tenant in Tail who dies without Issue.

But where a Recovery is by Collusion against Tenant in Tail, and the Tenant die without Issue, such a Grantee may falsifie this Recovery as a Stranger; but otherwise it is of Parties and Privies to it.

General Rule.

And in all Cases afore mentioned of a Recovery that is void, it must be understood to be void, as to the Issues Heirs, &c. of him that suffers the Recovery, and as to them that are in Reversion and Remainder of their Estate, and not as to the Parties to the Recovery; for as to them the same doth for the most part conclude them by way of Estoppel, 3 Co. 5.

Estoppel.

How a Recovery may be avoided, or falsified.

Recovery avoided.

IT may be defeated, frustrated and avoided in part or in all, for many causes and ways, and this is called falsifying of a Recovery.

By Error.

Sometimes it is by Writ of Error, when there is some gross or substantial Error in the manner of the proceeding.

Not for incongruous Latin, or want of Form.

But not for incongruous Latin, Rasure, Interlining, Misentring of any Warrant of Attorny, misreturning or not returning of the Sheriff or other want of Form in words, and not in matter of Substance, 23 *Eliz. c.* 3. 21 *H.* 8. *c.* 15. *Co. Lit.* 46, 104. *Plowd.* 515. *Dyer* 249. 3 *Co.* 78. 5. *Co.* 40.

Avoided by pleading. That it was by Covin.

And sometimes it may be avoided by pleading and setting forth of the special matter, as where the Recovery is by Covin against the Tenant for Life.

Or

Or for that he againſt whom the Writ is brought is no Tenant to the Freehold, by right or by wrong, at the time of the Writ of Entry brought; as where a Writ is brought againſt a Stranger that hath nothing in the Land, and he doth vouch the Tenant in Tail in Poſſeſſion of the Land. That he was not Tenant to the Freehold.

An infant that ſuffers a Recovery may not avoid it by Entry, but muſt avoid it by Writ of Error, *Stiles Rep.* 246. By Infant and how.

Or a Recovery may be avoided, for that he that hath the Eſtate and Right, is neither party nor privy to the Recovery; As where it is brought againſt a Diſſeiſor, and he vouches one that hath nothing in the Land. Neither Party nor Privy.

Or where the Recovery is had againſt the Husband alone, of the Land whereunto his Wife hath Title of Dower. Recovery againſt Husband alone.

Alſo the Iſſue in Tail againſt a Common Recovery had by the Anceſtor, may ſay, That he was not Tenant to the Precipe, nor ſeized of an Eſtate Tail *tempore Brevis*, and this is a good Bar, 3 *Co.* 11. Not Tenant to the Precipe.

As where he in Remainder in Tail diſcontinues the Eſtate Tail, and takes a new Eſtate, and then ſuffers a Common Recovery; by this the Eſtate Tail is not barred, for he was not ſeized of it, as is before obſerved. Not ſeized. *Note*, This is to be intended of a Recovery with ſingle Voucher.

So if Tenant for Life, and he in Remainder in Tail, ſuffer a Common Recovery, and both vouch over the Common Vouchee, as is before obſerved. Tenant for Life, and he in Remainder, both vouch Common Vouchee.

So

Three Tenants In Tail, Remainder in Fee. First Tenant discontinues, the Discontinuee makes a Feoffment and vouches. 2d Tenant in Tail.

So if *A.* be Tenant in Tail, Remainder to *B.* in Tail, Remainder to *C.* in Tail, Remainder to *D.* in Fee. *A.* makes a Feoffment, the Feoffee doth suffer a Recovery, and vouch *B.* who voucheth over; *A.* is not barred, but *B. C.* and *D.* are barred, and all their Remainders, 1 *Co.* 3. as is before observed.

A Recovery in some Cases may be avoided by others; as

Recovery avoided by Tenant by Elegit &c.

Where a Recovery is had of the Land, whereof I have an Estate for years, by Statute, *Elegit*, or the like, at the time of the Recovery had.

General Rule who may avoid the Recovery.

And where a Recovery may be avoided for any of the afore-mentioned Causes, it must be by one whom it doth concern, and that otherwise should have had the Land, and not by any other whom it doth not concern.

Issue of Tenant in Tail.

As if an Erroneous Recovery be suffered by Tenant in Tail; In this Case his Issues, or if they fail, the next in Remainder or Reversion shall defeat it.

By Tenant in Tail.

So also if the Land be recovered against a Stranger, the Tenant in Tail shall avoid it.

By Disseisee.

And if the Land be recovered against a Disseisor, the Disseisee shall avoid it;

Tenant by Statute, &c.

And the Land recovered against him in Reversion or Remainder; the Tenant by *Statute*, *Elegit*, or for Years, shall avoid it.

But in these Cases they must avoid it during their particular Estates, and may not do it afterwards.

By the Wife.

The Wife may falsify a Recovery suffered by her Husband alone, as to her Title of Dower only, and no longer, or farther.

So

So he in Reversion or Remainder may falsify and avoid a Recovery suffered by the Tenant for Life, either in the life-time of the Tenant, or afterwards, to which he was not privy. By him in the Remainder

But a Stranger shall never take advantage of a Recovery although it be erroneous, *Fenk. Cent.* 8. *Case* 32. No advantage to be taken by a Stranger.

But neither he in Reversion or Remainder, or any by or under him, or any other, may falsify a Recovery suffered by Tenant in Tail in possession, except it be for the Causes before set down. Rule.

The Recoverer himself may not falsify a Recovery, nor a Guardian, or a Tenant of a Mannor; as if one hold a Mannor, and a Stranger recover the Mannor by a feigned Title, a Tenant of the Mannor may not falsify it. Not by the Recoverer or Tenant of a Mannor.

But a Termor for Years may falsify a feigned Recovery had against him in Reversion, and shall retain and enjoy his Term against the Recoverer, his Heirs and Assigns according to his Lease by the Statute 21 *H.* 8. 15. Termor for years may avoid.

No Statute-Staple, Merchant or Execution by Elegit, may be avoided by a feigned Recovery, but such Tenants shall have like remedy to falsify such Recovery as the Lessee for Years may have, 21 *H.* 8. *cap.* 15. *Co. Inst.* 2. 321, 322. 1 *Cro.* 284. No Statute &c. barred by Recovery.

Sometimes it may be avoided by Entry as well as by Writ of Error and Pleading. Recovery avoided by Entry.

Sometimes it hath been made void by the Sentence of a Court called a *Vacat*, when the Recovery hath been by Covin; as where Tenant for Life shall suffer a Recovery to disinherit him in By a Vacat.

the

the Reverſion, or by ſome undue Practice or ſiniſter Dealing.

And this hath been done only upon the diſcovery of the Matter of Practice to the Court, upon which only the Court doth make void the Judgment, *Plow.* 515. 1 *Co.* 62, 63, 64. *Dyer* 249.

Termor for years how he may avoid, &c.

A Termor for Years, by Deed or without Deed, may falſify a feigned Recovery had againſt him in Reverſion, and ſhall retain and enjoy his Term againſt the Recoverer, his Heirs and Aſſigns according to the Leaſe; and the Recoverer ſhall have like remedy againſt the Termor, his Executors or Aſſigns, or Action of Debt for Rents and Services reſerved upon ſuch Leaſe, and due after ſuch Recovery, as the Leſſor might have had if ſuch Recovery had never been.

Alſo Tenants by Statute-Staple, Statute-Merchant, or upon Execution by *Elegit*, may alſo falſify ſuch Recoveries as the Leſſee for Years may do, Statute 21 *H.* 8. *cap.* 15. *Co. Inſt.* 2 *part* 322, 323. See the Statutes.

Errors amendable by the Court.

Note, That moſt Errors in a Common Recovery are amendable by the Court the firſt Term after the Recovery is had; but for all this ſee *Dyer* 1. 105, 188. 6 *Co.* 7. 8 *Co.* 162. 2 *Bulſt.* 14. *Goldsb.* 181. *Bridgeman* 71. *Owen* 68.

Where, by whom, and how a Recovery may be falſified. See *Huges Nomotomia*, *page* 459, 460.

And

And for avoidance of a Common Recovery, ſee more in 2 *part C. Inſt.* 320,322,323. *cap.*2. *ſect.* 17, 18.

Note alſo, That the ſame Rules (for the moſt part) are to be obſerved and followed for the guiding and directing of the Uſes of a Recovery, as are obſerved for the guidance and direction of the Uſes of a Fine, *viz.* That an Uſe may be averred upon it, *&c.* Rules for directing the Uſes of a Recovery.

See more of Common Recoveries in *Moors Rep.* 95, 727. *Bro. ſect.* 143. *Hob. Rep.* 338. *Godb. Rep.* 417.

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